

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 704 - by Lombardino: Extending congratulations to Officers Lucille Franckowiak, Phillip E. Jefferson, Mike Gomez, Tom Connally, and Jackie Wright.

S.R. 705 - by Doggett: Extending welcome to Reverend Bob Kash.

S.R. 706 - by Longoria: Extending congratulations to Connie Cantu.

S.R. 712 - by Clower: Extending congratulations to Stacy Lynn Walker.

S.R. 713 - by Aikin: Extending welcome to Mr. and Mrs. E. L. Gilley.

ADJOURNMENT

On motion of Senator Aikin the Senate at 3:47 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

(May 19, 1977)

S.C.R. 102

S.B. 432

S.B. 499

SEVENTY-SECOND DAY

(Friday, May 20, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Jack Heacock, First United Methodist Church, Austin, Texas, offered the invocation as follows:

GOD OF GRACE AND GOD OF GLORY

Harry Emerson Fosdick

God of grace and God of glory,
On thy people pour thy power!
Crown thine ancient Church's story;
Bring her bud to glorious flower.

Lo! the hosts of evil round us
Scorn thy love, assail thy ways!
Fears and doubts too long have bound us;
Free our hearts to work and praise.

Save us from weak resignation
To the evils we deplore;
Let the search for Thy salvation
Be our glory evermore.

Set our feet on lofty places;
Gird our lives that they may be
Armored with all God-like graces
In the fight to set men free.

Grant us wisdom,
Grant us courage,
That we fail not man nor Thee.
Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
May 20, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the House Concurred in Senate amendments to H.B. No. 712 by a non record vote.

All necessary rules suspended, and the House Concurred in Senate amendments to H.B. No. 2015 by a non record vote.

All necessary rules suspended, and the House concurred in Senate amendments to H.B. No. 2059 by a non record vote.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 152.

House Conferees: Nabers, Brown, Ceverha, Uher, Von Dohlen.

H.B. 92, A bill to be entitled An Act relating to pilot programs for parent education in public schools during the 1977-1978 and 1978-1979 school years; and declaring an emergency.

H.B. 160, A bill to be entitled An Act relating to the allocation of revenue for farm-to-market roads; amending Subsection (4-b), Section 2, Article XX, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 7083a, Vernon's Texas Civil Statutes); amending Article 9.25, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 297, A bill to be entitled An Act relating to the authority of school districts to charge student fees; amending Chapter 20, Texas Education Code, by adding Section 20.52.

H.B. 971, A bill to be entitled An Act relating to increasing the minimum reimbursement percentage rate from the department of highways and public transportation to cities and counties for the acquisition of certain rights-of-way; amending Section 1, Chapter 301, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6673e-1, Vernon's Texas Civil Statutes).

H.B. 1411, A bill to be entitled An Act relating to discharging a firearm on a vessel in public water; providing a penalty; amending Chapter 31, Parks and Wildlife Code, by adding Section 31.106.

H.B. 1415, A bill to be entitled An Act relating to extensions of gas utility service by certain municipally owned gas utilities.

H.B. 1782, A bill to be entitled An Act relating to the establishment of a substation of the University of Texas M. D. Anderson Hospital and Tumor Institute at Fort Worth; amending the Texas Education Code by adding Section 73.112.

H.B. 1125, A bill to be entitled An Act relating to the administration of elections; providing for consolidation of election duties performed by county clerks and voter registration duties performed by county tax assessor-collectors; designating the county tax assessor-collector as the registrar of voters in each county but permitting the commissioners court to change the designation to the county clerk; also authorizing the commissioners court to create the separate appointive office of county elections administrator and providing for transfer of all county election duties to the administrator; authorizing the county officer in charge of election duties (county clerk or county elections administrator) to contract with other political subdivisions and with political parties to furnish services in the conduct of their elections; enlarging the duties of that officer in regard to designation of polling places and selection of election judges for county elections; authorizing the expenditure of public funds for conducting training programs for election judges and clerks in elections held by political subdivisions or political parties; providing a penalty; amending the Texas Election Code, as amended, by amending Sections 10, 15, 41a, 51a, and 53a (Articles 2.02, 3.01, 5.09a, 5.19a, and 5.21a, Vernon's Texas Election Code), and by adding Sections 8d, 23b, 41b, 56a, and 56b.

H.B. 900, A bill to be entitled An Act relating to exemption of certain child care facilities and child caring institutions and to venue in suits for injunctive relief under the Child Care Licensing Act; amending Sections 2, 4(b), and 22(a), Child Care Licensing Act (Article 695a-3, Vernon's Texas Civil Statutes).

H.B. 380, A bill to be entitled An Act directing the State Building Commission to acquire a site for and to construct a community-based juvenile correction center in the city of Tyler; making an appropriation.

H.B. 1984, A bill to be entitled An Act relating to the investment and deposit of state funds; amending Articles 2525 through 2533, 2535, 2537, and 2543d, Revised Civil Statutes of Texas, 1925, as amended; adding Article 2525a to Title 47, Revised Civil Statutes of Texas, 1925, as amended; amending Chapter 302, Acts of the 53rd Legislature, Regular Session, 1953 (Article 2530a, Vernon's Texas Civil Statutes).

H.B. 785, A bill to be entitled An Act relating to the solicitation by an officer, director, or employee of a bank of sales of securities issued by the bank on behalf of the bank's stockholder; adding Subsection T to Section 5 of The Securities Act, as amended (Article 581-5, Vernon's Texas Civil Statutes), to exempt transactions by a bank in soliciting sales of its own stock; and amending Chapter V, Article 6, Texas Banking Code, as amended (Article 342-506, Vernon's Texas Civil Statutes), to allow a bank to acquire title to its own stock under certain conditions.

H.B. 1715, A bill to be entitled An Act relating to requiring candidates for bachelor's degrees from state institutions of higher education to obtain credit for certain basic courses designated by the Coordinating Board, Texas College and University System; amending the Texas Education Code, as amended, by amending Section 51.301, and by adding Section 51.305, Section 51.306, and Subsection 61.051(k).

H.B. 1831, A bill to be entitled An Act concerning exemption from the limited sales and use tax of certain items used in broadcasting operations by radio and television broadcast stations; amending Article 20.04, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, to add a new Section (FF); and declaring an emergency.

H.C.R. No. 132, Permitting Charles W. Orr to sue the state.

H.C.R. No. 133, Permitting Horace Caldwell Cattle Company, et al., to sue the State of Texas.

H.C.R. No. 134, Permitting William P. and Thomas Riddick to sue the state of Texas.

H.C.R. No. 142, Granting Congress Square Ltd. No. 1 permission to sue the state of Texas.

H.C.R. 144, Granting Fred Reyna and Walter's Oil Service permission to sue the state.

H.C.R. 160, Granting Harvey Lane, et al., permission to sue the state.

H.C.R. No. 88, accepting and authorizing the placement of a historical marker on the site of the Swedish Evangelical Free Church.

H.C.R. No. 148, Directing and authorizing Department of Highways and Public Transportation to transfer ownership of 92 vehicles to private, non-profit organizations for whom obtained.

S.C.R. No. 88, Permitting Faith Tabernacle, United Pentecostal Church of Humble to sue the state of Texas.

S.C.R. No. 92, Permitting Carl Clausen to sue the state of Texas.

S.C.R. No. 95, Granting Missouri-Pacific Railroad permission to sue the state.

S.C.R. No. 96, Permitting J. D. Abrams, Inc., to sue the state.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Adams submitted the following report for the Committee on Administration:

H.B. 796
H.B. 589 (Ordered not printed)
S.R. 673 (Ordered not printed)
S.C.R. 101 (Ordered not printed)
S.C.R. 104 (Ordered not printed)
H.C.R. 24 (Ordered not printed)
H.C.R. 78 (Ordered not printed)
H.C.R. 97 (Ordered not printed)
H.C.R. 90 (Ordered not printed)
H.C.R. 106 (Ordered not printed)
H.C.R. 117 (Ordered not printed)
H.C.R. 168 (Ordered not printed)

Senator Brooks submitted the following report for the Committee on Human Resources:

H.B. 1309
H.B. 1846
H.B. 305

Senator Aikin submitted the following report for the Committee on Finance:

H.B. 1469
H.B. 1262
H.B. 1484
H.B. 858
S.C.R. 56
S.R. 703

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1333 by Mengden Human Resources
Relating to reform of the state welfare system by changing the rules of law regarding the obligation of a person to support his relatives; amending Section 5.61, Family Code; amending Subtitle C, Title 2, Family Code, as amended, by adding Chapter 36; amending The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), by adding Section 19-B.

S.B. 1334 by Mengden Human Resources
Establishing public assistance payments as claims in favor of the state and providing for liens to secure the payment thereof.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House, were read the first time and referred to the Committee indicated:

H.B. 110, To Committee on Jurisprudence.
H.B. 144, To Committee on State Affairs.
H.B. 1700, To Committee on State Affairs.
H.B. 1562, To Committee on State Affairs.
H.B. 1355, To Committee on Jurisprudence.
H.B. 1330, To Committee on Economic Development.
H.B. 942, To Committee on Intergovernmental Relations.
H.B. 1739, To Committee on Jurisprudence.
H.B. 661, To Committee on Intergovernmental Relations.
H.B. 1776, To Committee on Economic Development.
H.B. 1813, To Committee on Economic Development.
H.B. 2234, To Committee on Natural Resources.
H.B. 2235, To Committee on Natural Resources.
H.B. 2210, To Committee on Natural Resources.
H.B. 2209, To Committee on Natural Resources.
H.B. 1505, To Committee on Intergovernmental Relations.
H.B. 1833, To Committee on State Affairs.
H.B. 1886, To Committee on Economic Development.
H.B. 1908, To Committee on State Affairs.
H.B. 2068, To Committee on Intergovernmental Relations.
H.B. 2248, To Committee on Intergovernmental Relations.
H.B. 1488, To Committee on Intergovernmental Relations.
H.B. 537, To Committee on State Affairs.
H.B. 1599, To Committee on Natural Resources.
H.B. 1400, To Committee on Natural Resources.
H.B. 1826, To Committee on Economic Development.
H.B. 2166, To Committee on Intergovernmental Relations.
H.B. 2172, To Committee on Human Resources.
H.B. 2195, To Committee on Intergovernmental Relations.
H.B. 2218, To Committee on Natural Resources.
H.B. 2219, To Committee on Natural Resources.
H.B. 2225, To Committee on Natural Resources.

H.B. 2173, To Committee on Intergovernmental Relations.
H.C.R. 27, To Committee on Natural Resources.
H.C.R. 102, To Committee on Natural Resources.
H.C.R. 116, To Committee on Administration.
H.C.R. 130, To Committee on Administration.
H.C.R. 127, To Committee on Administration.
H.C.R. 148, To Committee on Administration.
H.C.R. 88, To Committee on Administration.
H.C.R. 160, To Committee on Administration.
H.C.R. 144, To Committee on Administration.
H.C.R. 142, To Committee on Administration.
H.C.R. 134, To Committee on Administration.
H.C.R. 133, To Committee on Administration.
H.C.R. 132, To Committee on Administration.
H.B. 1278, To Committee on Intergovernmental Relations.

BILLS ORDERED NOT PRINTED

On motion of Senator Adams and by unanimous consent, the following bills were ordered not printed:

H.B. 589	H.C.R. 97
S.R. 673	H.C.R. 90
S.C.R. 101	H.C.R. 106
S.C.R. 104	H.C.R. 117
H.C.R. 24	H.C.R. 168
H.C.R. 78	

BILLS ORDERED NOT PRINTED

On motion of Senator Brooks and by unanimous consent, the following bills were ordered not printed:

H.B. 305
H.B. 1846

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.B. 34	S.B. 744 (Signed Subject to Sec. 49a, Article III, Constitution of State of Texas)
S.B. 120	
S.B. 135	
S.B. 353	S.B. 821
S.B. 373	S.B. 872
S.B. 475	S.B. 896
S.B. 501	S.B. 998
S.B. 535	S.B. 1189
S.B. 635	S.B. 1225
	S.B. 1253 (Signed Subject to Sec. 49a, Article III, Constitution of State of Texas)
H.C.R. 170	H.B. 939
H.R. 749	H.R. 1046

H.B.	300	H.B.	1453
H.B.	360	H.B.	2015
H.B.	514	H.B.	2059

SENATE RESOLUTION 718

Senator Farabee offered the following resolution:

WHEREAS, Mrs. Jessye Brown first came to the Texas Senate in 1955 as secretary to then Senator Dorsey B. Hardeman; and

WHEREAS, She continued in that position until January, 1969, demonstrating graciousness, frugality and efficiency in her duties while at the same time acting as ex-officio director of the "Friendship Committee" of which Senator Hardeman was chairman, assigning parking places for members of the Senate and their secretaries and soothing ruffled feelings in this delicate duty, and further serving as secretary to the Senate Committees on State Affairs, Jurisprudence, and of the General Investigating Committee during Senator Hardeman's chairmanship of said committees for 14 years, as well as serving as secretary of numerous special committees, including the committee for the presentation of the portrait of President Lyndon Baines Johnson to the Senate of the State of Texas; and

WHEREAS, Jessye Brown became secretary to Senator H. J. "Doc" Blanchard in January, 1969, having been left to him by virtue of the law of intestate succession by said Senator Hardeman, she forthwith exhibited her talents as one of the best secretaries ever to work in the Texas Senate, becoming an associate, a warm and close personal friend and trusted advisor to Senator Blanchard; and

WHEREAS, Jessye Brown has had a profound and lasting effect for good upon young people who have worked with her because of the strength of her character and because of her faithful and devoted service to her employer, her devotion to her husband, Ray Brown, her loving concern for her wonderful daughters and her dedication to the Senate; and

WHEREAS, The debt of gratitude owed by Senator Blanchard and his family to Jessye Brown and her family could not be repaid, it is altogether fitting that they be permitted to join with the Senate of the State of Texas, both past and present, in special tribute to Mrs. Brown; and

WHEREAS, Mrs. Brown has maintained the position of first secretary to Senator Ray Farabee from the time he came to the Senate to the end of this 65th Legislature, coordinating office procedures, scheduling and hearing requests, performing all responsibilities with the efficiency and good spirits that have been the hallmark of her career; and

WHEREAS, Mrs. Brown will retire at the end of the 65th Legislature, concluding twenty-three years of service with the Senate, now, therefore, be it

RESOLVED, That the Senate of the State of Texas, by this Resolution, convey to Mrs. Brown, known to all as the beloved "Miss Jessye," the gratitude and affection of her colleagues and many friends; and be it further

RESOLVED, That the Secretary of the Senate be instructed to prepare copies of this Resolution, under the Seal of the Senate, for presentation to Miss Jessye with the best wishes of the members of the Senate, that she may continue to be a familiar sight around the Capitol complex for many years to come.

The resolution was read and was adopted.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

HOUSE CONCURRENT RESOLUTION 145 ON SECOND READING

The President laid before the Senate the following resolution:

H.C.R. 145, Declaring June 10 as Texas Food Day.

The resolution was read.

On motion of Senator Sherman and by unanimous consent, the resolution was considered immediately and was adopted.

ANNOUNCEMENT BY PRESIDENT

The President announced that a meeting would be held today at 11:30 o'clock a.m. in the Supreme Court Room for interested parties to hear from expert resource witnesses on **C.S.H.B. 750**.

SENATE BILL 1037 WITH HOUSE AMENDMENT

Senator Mauzy called **S.B. 1037** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 1037** as follows:

Amend lines 10 and 11, page 1 to read:

"...meeting of the State Board of Education held on or before the first Monday in May, shall recommend the names of 15 persons, no two of whom..

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 142 WITH HOUSE AMENDMENTS

Senator Schwartz called **S.B. 142** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **S.B. No. 142** by striking all below the enacting clause and substituting the following:

Section 1. Chapter 51, Texas Education Code, as amended, is amended by adding Subchapter H to read as follows:

"SUBCHAPTER H. HIGHER EDUCATION PERSONNEL

"Sec. 51.401. **POLICY AND PURPOSE.** It is the policy of the people of the State of Texas and the purpose of this subchapter to ensure efficiency, economy, and

responsiveness in personnel administration, and to promote fair and equitable treatment of nonfaculty employees of public institutions of higher education.

"Sec. 51.402. DEFINITIONS. As used in this subchapter:

"(1) 'Coordinating board' means the Coordinating Board, Texas College and University System.

"(2) 'Institutions of higher education' means public general academic teaching institutions, medical and dental units, and other agencies of higher education as defined in Chapter 61 of this code, excluding public junior colleges.

"(3) 'Governing board' means the governing body statutorily charged with the governance of each public institution of higher education.

"(4) 'Faculty employee' means any employee of an institution of higher education with academic rank or the equivalent in an institution, including professional librarians, as determined by the institutional governing board.

"(5) 'Staff employee' means any employee of an institution of higher education or the coordinating board other than a faculty employee.

"Sec. 51.403. APPLICABILITY. All employees of the coordinating board and institutions of higher education shall be governed by the provisions of this subchapter, except the following persons:

"(1) the commissioner of higher education and such principal administrators of the coordinating board as determined by the coordinating board;

"(2) the chancellors, vice-chancellors, presidents, and vice-presidents of each institution, or comparable officers as designated by the institutional governing boards;

"(3) administrative officials of each institution as determined by the institutional governing boards and approved by the coordinating board; and

"(4) faculty employees, except as otherwise specified in this subchapter.

"Sec. 51.404. RESPONSIBILITIES AND DUTIES OF THE GOVERNING BOARDS. Each institutional governing board shall:

"(1) provide for orderly procedures of wage and salary administration which shall meet or exceed the guidelines prepared by the coordinating board for staff employees covered by this subchapter;

"(2) establish published policies and procedures to ensure fair employer-employee relationships, which shall include but not be limited to:

"(A) a published policy and plan of nondiscrimination and affirmative action to provide for equality of opportunity, subject to applicable laws and regulations of the United States and the State of Texas, with regard to all employment practices for faculty and staff employees;

"(B) a published grievance procedure governing staff employee rights and responsibilities, to include adequate procedures that ensure due process in the resolution of grievances of staff employees and that meet or exceed the guidelines set by the coordinating board;

"(C) a published policy governing management rights and responsibilities with guidelines and procedures for staff employee performance appraisal, layoff or reduction-in-force, discipline, or discharge; and

"(D) a published policy for manpower control and effective staff employee utilization;

"(3) establish policies and procedures, which shall meet or exceed the guidelines prepared by the coordinating board, defining eligibility of faculty and staff employees for all nonsalary benefits provided by law, including but not limited to vacation allowances, holidays, sick and other leave, group insurance programs, and retirement programs, except that no provision of this subchapter may be interpreted to alter in any manner the authority of the Teacher Retirement System of Texas to determine the employment covered by that system under the provisions of Chapter 3 of this code and, further, that no provision of this subchapter may be

interpreted to permit alteration of the eligibility of an employee to participate in the Optional Retirement Program as provided in Subchapter G of this chapter;

"(4) submit to the coordinating board, within 90 days of the publication of the guidelines, the wage and salary procedures and grievance procedures for certification as required in Subsection (b) of Section 51.405 of this code.

"Sec. 51.405. RESPONSIBILITIES OF THE COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM. (a) The coordinating board shall:

"(1) approve for each institution the administrative officials to be exempted from the effect of this subchapter under Subdivision (3) of Section 51.403 of this code;

"(2) prepare and disseminate within 90 days after the effective date of this subchapter guidelines for wage and salary administration which are to enable the institutions to secure, retain, and advance qualified employees and to provide equal pay for equal work, and which shall provide for:

"(A) a job classification plan utilizing sound job analysis procedures, with each covered position being allocated to a proper job class in the classification plan, which shall include for each class a uniform job title, uniform job code, and a job description including major duties, responsibilities, and job-related qualifications; and

"(B) comprehensive compensation plans which shall use recognized means of job evaluation for salary determination;

"(3) prepare and disseminate within 90 days after the effective date of this subchapter guidelines for institutional grievance procedures for resolving grievances of staff employees which ensure due process in hearings and appeals;

"(4) cause to be appointed personnel advisory committees as necessary to make recommendations on the minimum guidelines to be developed under this subchapter and on other matters of personnel administration; provided that a majority of the membership of these committees must be employees governed by this subchapter; and

"(5) develop and maintain a data reporting system which provides timely information to the coordinating board, institutions, and executive and legislative officers, including but not limited to information on numbers of higher education employees, salaries in appropriate categories, and prevailing wages.

"(b) The coordinating board shall certify that the institutional wage and salary procedures and grievance procedures for each institution and for the coordinating board meet or exceed the guidelines set by the coordinating board. Within 90 days after receipt by the coordinating board of these procedures, the board or commissioner shall certify the procedures or return them to the institution of higher education with written explanations of the deficiencies. The institutions shall have a reasonable time, not to exceed 180 days unless further extended by the board or commissioner, from receipt of this explanation to correct the procedures and return them to the board. If the coordinating board fails to certify or return with explanation the procedures, they shall be considered certified after 90 days from the date of submission to the coordinating board.

"(c) The coordinating board may delegate to the commissioner of higher education the authority provided under Subdivision (1) of Subsection (a) and under Subsection (b) of this section."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 2

Amend S.B. No. 142 by striking all above the enacting clause and substituting the following:

A BILL TO BE ENTITLED**AN ACT**

relating to the establishment of guidelines for personnel administration for employees of public institutions of higher education; providing for authority, responsibility, and duties of the Coordinating Board, Texas College and University System, and for the governing boards of institutions of higher education regarding employment policies and practices; adding Subchapter H to Chapter 51, Texas Education Code, as amended.

The amendments were read.

Senator Schwartz moved to concur in the House amendments.

The motion prevailed.

RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the motion to concur in the House amendments.

SENATE BILL 407 WITH HOUSE AMENDMENTS

Senator Clower called **S.B. 407** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Substitute the following for **S.B. 407**:

A BILL TO BE ENTITLED**AN ACT**

relating to electric meters for dwelling units in apartment houses; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. In this Act:

(1) "Apartment house" means a building or buildings containing more than five dwelling units all of which are rented primarily for nontransient use, with rental paid at intervals of one week or longer;

(2) "Dwelling unit" means a room or rooms suitable for occupancy as a residence containing kitchen and bathroom facilities.

Sec. 2. After January 1, 1978, no incorporated city or town including a home-rule city, or other political subdivision of the State may issue a permit, certificate, or other authorization for the construction or occupancy of a new apartment house

unless the construction plan provides for individual metering by the utility company or submetering by the owner of each dwelling unit for the measurement of the quantity of electricity, if any, consumed by the occupants within that dwelling unit.

Sec. 3. Notwithstanding any law to the contrary, the Public Utility Commission of Texas shall promulgate rules, regulations, and standards under which any owner, operator, or manager of an apartment house which is not individually metered for electricity for each dwelling unit, may install submetering equipment for each individual dwelling unit and other areas within such apartment house for the purpose of fairly allocating the cost of the total electrical consumption therefor among the dwelling units and other areas within said apartment house.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1

Amend **C.S.S.B. 407**, First Printing, by adding the following language to the end of Section 3:

"In addition to other appropriate safeguards for the tenant, such rules and regulations shall require (a) that an apartment house owner shall not impose on the tenant any extra charges, over and above the cost per kilowatt hour which is charged by the utility company to the owner, and (b) that the apartment house owner shall maintain adequate records regarding submetering and shall make such records available for inspection by the tenant during reasonable business hours. Any rule, regulations, or standard promulgated by the Commission pursuant to this section shall be deemed to have been entered or adopted under the Public Utility Regulatory Act (Article 1446c, of Vernon's Texas Civil Statutes) and, for purposes of enforcement, both utility companies and the owners, operators, or managers of apartment houses included in this Act, are subject to enforcement pursuant to Sections 71, 72, 73, 74, 75, 76, and 77 of the Public Utility Regulatory Act.

Floor Amendment No. 2

Amend **C.S.S.B. 407**, First Printing, page 2, lines 2, 3, 4, and 5, by deleting the words "and other areas within such apartment house for the purpose of fairly allocating the cost of the total electrical consumption therefor among the dwelling units and other areas within said apartment house."

On page 2, line 2, after the phrase "individual dwelling unit" add the phrase "for the purpose of fairly allocating the cost of each individual dwelling unit's electrical consumption."

Floor Amendment No. 3

Amend Section 3 by adding the following sentence at the end of Section 3:

All submetering equipment shall be subject to the same rules, regulations and standards established by the Commission for accuracy, testing and record keeping of meters installed by electric utilities and shall be subject to the meter testing requirements of Section 36 of the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes).

Floor Amendment No. 4

AN AMENDMENT

to amend **C.S.S.B. 407** by renumbering Section 4 as Section 5 and adding a new Section 4 to read as follows:

“Sec. 4. If, during the 90 day period preceding the installation of individual meters or submeters, an owner, operator, or manager of an apartment house has increased rental rates, and such increase is attributable to increased costs of utilities, then such owner, operator, or manager shall immediately reduce the rental rate by the amount of such increase, and shall refund all of such increase that has previously been collected within said 90 day period.”

Floor Amendment No. 5

An Amendment

to amend **C.S.S.B. 407** by adding the following language at the end of subsection (1) of Section 1:

“Apartment house” shall include residential condominiums, whether rented or owned occupied;”

Floor Amendment No. 6

Amend **C.S.S.B. 407** by inserting on line 16, page 1 the words “or conversion to a condominium” after the word “house”.

The amendments were read.

Senator Clower moved to concur in the House amendments.

The motion prevailed.

RECORD OF VOTES

Senators Ogg and Williams asked to be recorded as voting “Nay” on the motion to concur in the House amendments.

SENATE BILL 281 WITH HOUSE AMENDMENT

Senator Clower called **S.B. 281** from the President’s table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. No. 281** by adding “Robertson County,” between “Randall County,” and “Falls County,” in the first sentence in the quoted Article 332b-1 on page 1.

The amendment was read.

Senator Clower moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Farabee, Mauzy.

CONFERENCE COMMITTEE REPORT HOUSE BILL 1743

Senator Ogg submitted the following Conference Committee Report:

Austin, Texas
May 20, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B. No. 1743 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

OGG
HANCE
McKNIGHT
DOGGETT
MAUZY
On the part of the Senate

RAINS
JACKSON
BROWN
CARAWAY
BOCK
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

SENATE BILL 1168 WITH HOUSE AMENDMENT

Senator Doggett called **S.B. 1168** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 1168**, page 4, Section 3(3), line 4 as follows:

(3) either (i) passes a written or oral examination demonstrating his knowledge of the auction business and of the laws of this state pertaining to the auction business;

The amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Mauzy.

SENATE BILL 428 WITH HOUSE AMENDMENTS

Senator Parker called **S.B. 428** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend Section 3,a, (12), p. 4, line 22 as follows, by striking the existing paragraph and substituting therefor the following language:

“(12) a person whose sale of alarm signal devices, burglary alarms, television cameras, still cameras, or other electrical, mechanical, or electronic devices used for preventing or detecting burglary, theft, shoplifting, pilferage, fire, smoke or other losses is exclusively over-the-counter or by mail order”

Floor Amendment No. 2

Amend **S.B. 428** by adding the following as subsection (11) of Section 3(a) of said bill and renumbering the present (11) and succeeding subsections consecutively thereafter:

“(11) The provisions of this Act shall not apply to common carriers by rail engaged in Interstate Commerce and regulated by State and Federal Authorities and transporting commodities essential to the national defense and to the general welfare and safety of the community.”

Floor Amendment No. 3

Amend S.B. No. 428, 1st Printing, by striking "maintain, order or" on page 19, line 8, and substituting therefor "act in the capacity of a private security guard"

Floor Amendment No. 4

Amend S.B. No. 428, 1st Printing, by striking the following on page 3, lines 17 through 19:

"but an agent or employee of an attorney who acts as a private investigator is not excluded from this Act"

The amendments were read.

Senator Parker moved to concur in the House amendments.

The motion prevailed.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the motion to concur in the House amendments.

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Conference Committee might consider **C.S.H.B. 1048** at 1:00 o'clock p.m. today.

SENATE BILL 54 WITH HOUSE AMENDMENT

Senator Doggett called **S.B. 54** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for S.B. No. 54

A BILL TO BE ENTITLED AN ACT

relating to periodic review and termination of certain state agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. GENERAL PROVISIONS

Section 1.01. **SHORT TITLE.** This Act may be cited as the Texas Sunset Act.

Sec. 1.02. **DEFINITIONS.** In this Act:

(1) "State agency" means:

(A) an agency that is expressly made subject to this Act; or

(B) a department, commission, board, or other agency (except a university system or an institution of higher education as defined in Section 61.003, Texas Education Code, as amended) that:

(i) is created by statute after January 1, 1977;

(ii) is part of any branch of state government; and
(iii) has authority that is not limited to a geographical portion of the state.
(2) "Advisory committee" means a committee, council, commission, or other entity created by or pursuant to state law whose primary function is to advise a state agency.

(3) "Commission" means the Sunset Advisory Commission.

Sec. 1.03. COMMISSION. (a) The Sunset Advisory Commission is created as an agency of the state.

(b) Unless continued by law, the commission is abolished and this Act expires effective September 1, 1989.

Sec. 1.04. MEMBERSHIP; APPOINTMENT. The commission is composed of two ex officio members and nine appointed members. The speaker of the house and the lieutenant governor, or their representatives, are ex officio members with no voting privileges. The appointed members are:

- (1) three members of the house appointed by the speaker of the house;
- (2) three members of the senate appointed by the lieutenant governor; and
- (3) three citizens appointed by the governor.

Sec. 1.05. TERMS; VACANCIES. (a) Except for the initial appointees, appointed members of the commission hold office for staggered terms of six years, with the terms of three members expiring on June 15 of each odd-numbered year. In making the initial appointments, each appointing authority shall designate one appointee for a term expiring on June 15, 1979, one for a term expiring on June 15, 1981, and one for a term expiring on June 15, 1983.

(b) Once an appointed member has served one full six-year term on the commission, the member is not eligible for appointment to another term or part of a term.

(c) An ex officio member or a member appointed from either house of the legislature vacates a position on the commission when the member ceases to hold the state office which is the basis of the member's position on the commission.

(d) A vacancy on the commission shall be filled for the unexpired part of the term in the same manner as the original appointment.

Sec. 1.06. CHAIRPERSON; MEETINGS; QUORUM. (a) The commission shall biennially elect a chairperson from its appointed membership.

(b) The commission shall meet as often as is necessary to carry out this Act.

(c) Five appointed members constitute a quorum.

Sec. 1.07. EXPENSES; PER DIEM. (a) An ex officio member or a member appointed from either house of the legislature is entitled only to reimbursement from the house of the legislature of which he is a member for expenses actually and necessarily incurred in performing the duties of the commission.

(b) A member appointed by the governor is entitled to reimbursement for expenses actually and necessarily incurred in performing the duties of the commission and to the per diem as provided in the General Appropriations Act.

Sec. 1.08. STAFF. (a) The personnel of the Performance and Evaluation Section, or its successor, of the Legislative Budget Board shall serve as the staff of the commission.

(b) In addition to the staff provided for under Subsection (a) of this section, the commission may employ other persons authorized by appropriations and necessary for administering the provisions of this Act.

Sec. 1.09. AGENCY REPORT TO COMMISSION. Before October 30 of the odd-numbered year before the year a state agency is abolished according to this Act, the agency shall report to the commission:

(1) information regarding the application to the agency of the criteria in Section 1.11 of this Act; and

(2) the following information regarding each of the agency's advisory committees:

- (A) the official name of the advisory committee;
 - (B) the statutory authority, if any, for the advisory committee;
 - (C) the advisory committee's objectives and functions;
 - (D) the period of time necessary for the advisory committee to carry out its objectives;
 - (E) a reference to the reports that the advisory committee has presented to the agency;
 - (F) the names and occupations of the current members of the advisory committee; and
 - (G) other available information that will assist the commission to determine the need for continuing the advisory committee; and
- (3) any other information that the agency considers appropriate or that is requested by the commission.

Sec. 1.10. PERFORMANCE AND EVALUATION REPORT. Before June 1 of the calendar year before the year an agency and its advisory committees are abolished according to this Act, the staff shall conduct a performance evaluation of the regulatory agency and its advisory committees and shall present a performance evaluation report to the Commission. In the report the staff shall include its findings based on the criteria set forth in Section 1.13 and its recommendations based on the matters set forth in Section 1.14.

Sec. 1.11. PUBLIC HEARINGS. Between June 1 and November 1 of the calendar year before the year an agency and its advisory committees are abolished according to this Act, the Commission shall conduct public hearings on whether a public need exists for the continuation of the agency or its advisory committees or for the performance of the functions of the agency or its advisory committees.

Sec. 1.12. COMMISSION REPORT. Before December 15 of the calendar year before the year an agency and its advisory committees are abolished according to this Act, the Commission shall present to the legislature and the governor a report on the agency and its advisory committees. In the report the Commission shall include its specific findings with regard to each of the criteria set forth in Section 1.13 of this Act.

Sec. 1.13. CRITERIA FOR REVIEW. (a) In its report on a state agency, the commission shall include its findings regarding the purpose for creating the agency, including an analysis of:

- (1) the conditions which led the legislature to create the agency;
- (2) changes in the conditions which led to the creation of the agency and the causes of those changes;
- (3) other agencies of local, state, or federal government that have a purpose similar to the purpose of the state agency under review; and
- (4) additional duties and powers given to the agency by statute since it was created.

(b) In its report on a state agency, the commission shall include its findings regarding the agency's success at fulfilling its purpose, including an analysis of:

- (1) what the agency has accomplished;
- (2) whether the agency's accomplishments are compatible with the original purpose of the agency as expressed by the legislature, and if not, why;
- (3) the agency's activities and the statutory or other authority under which the agency engages in the activities;
- (4) the accuracy of the agency's budget-related projections;
- (5) the extent to which the agency has used its advisory committees;
- (6) comparisons of the agency to similar agencies in other states;

(7) the extent to which the agency affects the state economy, including the effects on competition, employment, price inflation, and productivity; and

(8) special groups that have been affected differently than the general public by the agency's rules and activities.

(c) In its report on a state agency, the commission shall include its findings regarding the administrative methods that the agency has used, including an analysis of:

(1) the agency's compliance with the "Open Records Act," Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes);

(2) the agency's compliance with the "Open Meetings Act," Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes);

(3) the extent to which the agency promulgates and enforces rules relating to conflict of interest among its employees;

(4) the agency's requirements that persons report information and keep records, how the agency uses and manages the information it collects, the cost to the persons who must report the information, efforts to reduce and simplify the reporting and recordkeeping requirements of the agency, and efforts to promote the sharing of information among state agencies and other governmental entities;

(5) the extent to which the agency has complied with the applicable requirements of the laws of the United States and of this state regarding equality of employment opportunity and the rights and privacy of individuals;

(6) the efficiency and cost-effectiveness with which the agency operates;

(7) the promptness and effectiveness with which the agency responds to public complaints and requests for information;

(8) the extent to which the rulemaking procedures used by the agency have involved public participation and have resulted in rules compatible with the statutory authority of the agency; and

(9) how the agency cooperates with other agencies of local, state, and federal government and is coordinated with intergovernmental agencies.

(d) In its report on a state agency, the commission shall include its findings regarding alternative methods of performing the agency's functions, including an analysis of:

(1) the extent to which the absence of the agency's functions would harm or endanger the public;

(2) the impact in terms of federal intervention or loss of federal funds if the agency is abolished; and

(3) the extent to which the functions of the agency can be consolidated with functions of other state agencies.

Sec. 1.14. RECOMMENDATIONS. In its report on a state agency, the commission shall:

(1) make recommendations on the abolition, continuation, or reorganization of each affected state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees;

(2) recommend appropriation levels for each state agency and advisory committee for which abolition or reorganization is recommended under Subdivision (1) of this section; and

(3) include drafts of legislation necessary to carry out the commission's recommendations under Subdivision (1) of this section.

Sec. 1.15. RULES. The commission shall adopt rules necessary to carry out this Act.

Sec. 1.16. ABOLITION OF ADVISORY COMMITTEES. Except as otherwise expressly provided by law, every advisory committee whose primary

function is to advise a particular state agency is abolished on the date set for abolition of the agency unless the advisory committee is expressly continued by law.

Sec. 1.17. **STATE AGENCIES CREATED IN THE FUTURE.** (a) Every state agency created by law enacted after January 1, 1977, is subject to this Act and to this section except as otherwise expressly provided by the law creating the agency. A state agency created by law enacted in a fiscal biennium is abolished at the end of the sixth succeeding fiscal biennium unless continued by law.

(b) After January 1, 1979, when a bill creating a new state agency is introduced at a session of the legislature, the commission shall recommend to the legislature an abolition date for the new agency which schedules the new agency for review under this Act during a year when agencies with functions similar to those of the new agency are to be reviewed.

Sec. 1.18. **REVIEW AFTER AN INCREASE IN AGENCY EMPLOYMENT.** (a) The comptroller of public accounts shall determine if the number of full-time equivalent employees of each state agency on October 1 of each odd-numbered year is 20 percent or more larger than the number of full-time equivalent employees of the agency on October 1 of the preceding odd-numbered year. If so, the comptroller shall notify the commission of that fact.

(b) An agency identified by the comptroller under Subsection (a) of this section is subject to this Act, for the purpose of review by the commission, as if the agency is abolished effective September 1 of the next odd-numbered year. The commission shall notify the agency of that fact as soon as possible.

Sec. 1.19. **CONTINUATION BY LAW.** During the regular session or an appropriate special session immediately preceding the abolition of a state agency or advisory committee that is subject to this Act, the legislature by law may continue the agency or advisory committee for a period not to exceed 12 years.

Sec. 1.20. **LEGISLATIVE CONSIDERATION.** (a) No more than one state agency and its functions and advisory committees may be considered for continuation, transfer, or modification in a bill, except that when consolidation of agencies or advisory committees or their functions is proposed, only the agencies or advisory committees involved in the consolidation may be considered in a legislative bill.

(b) In a bill to continue a state agency, to transfer its functions, or to consolidate it with another agency, the affected agency or agencies shall be mentioned in the title of the bill.

Sec. 1.21. **AFTER TERMINATION.** (a) On abolishment in the odd-numbered year, each agency may continue in existence until September 1 of the next succeeding year for the purpose of concluding its business. Unless otherwise provided by law abolishment does not reduce or otherwise limit the powers or authority of each respective agency during such concluding year. Upon the expiration of the one-year period after abolishment each respective agency is terminated and shall cease all activities.

(b) Any unobligated and unexpended appropriations of an agency or advisory committee lapse on September 1 of the even-numbered year after abolishment of the agency or advisory committee.

(c) All money in a dedicated fund of an abolished agency or advisory committee on September 1 of the even-numbered year after abolishment of the agency or advisory committee is transferred to the General Revenue Fund unless otherwise provided by law. The part of the law dedicating the money to a specific fund of an abolished agency becomes void on September 1 of the even-numbered year after abolishment of the agency.

(d) If an abolished agency or advisory committee is funded in the General Appropriation Act for both years of the biennium, the abolished agency or advisory committee may not spend or obligate any of the money appropriated to it for the

second year of the biennium, unless otherwise provided by law or rider in the appropriation bill.

(e) Property and records in the custody of an agency or advisory committee on September 1 of the even-numbered year after abolishment of the agency or advisory committee are transferred to the State Board of Control.

(f) If an abolished agency or advisory committee has remaining outstanding bonded indebtedness, the responsibility for the management of the repayment of the bonded indebtedness through the continuation of that agency's functions, limited merely to the repayment function, shall be vested in the office of the comptroller of public accounts.

Sec. 1.22. SUBPOENA POWER. The commission may issue process to witnesses at any place in the state and compel their attendance and the production of books, records, papers, and other objects that may be necessary or proper for the purposes of the committee proceedings. The commission may issue attachments when necessary to obtain compliance with subpoenas or other process, which may be addressed to and served by any peace officer in this state. The chairman of the commission shall issue, in the name of the commission, the subpoenas that a majority of the commission may direct. In the event the chairman is absent, the designee of the chairman is authorized to issue subpoenas or any other process in the same manner as the chairman. Witnesses attending proceedings of the commission under process are entitled to the same mileage and per diem as allowed witnesses before a grand jury in this state. The testimony taken under subpoena must be reduced to writing and must be given under oath subject to the penalties of perjury.

Sec. 1.23. ASSISTANCE OF AND ACCESS TO STATE AGENCIES. (a) The commission may request the assistance of state agencies and officers, and they shall assist the commission when requested to do so.

(b) In carrying out their functions under this Act, the commission or its designated staff member may inspect the records, documents, and files of any state agency.

Sec. 1.24. RELOCATION OF EMPLOYEES. When an employee is displaced because of the abolishment, reorganization, or continuation of an agency or its advisory committees, the agency and the Texas Employment Commission shall make a reasonable effort to relocate the displaced employee.

Sec. 1.25. SAVING CLAUSE. Except as otherwise expressly provided, abolition of a state agency does not affect rights and duties that matured, penalties that were incurred, civil or criminal liabilities that arose, or proceedings that were begun before the effective date of the abolition.

ARTICLE 2. SPECIFIC SUNSET PROVISIONS

Sec. 2.001. Chapter 3, Title 4, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 76a to read as follows:

"Article 76a. The Pink Bollworm Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1979."

Sec. 2.002. Chapter 242, Acts of the 55th Legislature, Regular Session, 1957 (Article 6145-3, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Stonewall Jackson Memorial Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.003. Chapter 98, Acts of the 63rd Legislature, Regular Session, 1973 (Article 5891.1, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Texas Navy, Incorporated, is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the Texas Navy, Incorporated, is abolished, and this Act expires effective September 1, 1979."

Sec. 2.004. Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550(a), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Board of Managers of the Texas State Railroad is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.005. Chapter 8, Acts of the 61st Legislature, Regular Session, 1969, is amended by adding Section 1a to read as follows:

"Section 1a. The Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979."

Sec. 2.006. Chapter 502, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6145-10, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Historical Resources Development Council is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the council is abolished, and this Act expires effective September 1, 1979."

Sec. 2.007. Title 89, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 5434a to read as follows:

"Article 5434a. The Texas Library and Historical Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1979."

Sec. 2.008. Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes), is amended by adding Section 1b to read as follows:

"Section 1b. The Texas Historical Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979."

Sec. 2.009. Chapter 139, Acts of the 50th Legislature, 1947, as amended (Article 6145-2, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Battleship Texas Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979."

Sec. 2.010. Chapter 435, Acts of the 50th Legislature, 1947, as amended (Article 4101-2, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Good Neighbor Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979."

Sec. 2.011. Section 6, Chapter 13, Acts of the 42nd Legislature, 3rd Called Session, 1932, as amended (Article 6674g-7, Vernon's Texas Civil Statutes), is amended by adding Subsection (b-1) to read as follows:

"(b-1) The Board of County and District Road Indebtedness is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.012. Section 3, Chapter 570, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1011m, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) This Act is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act this Act expires effective September 1, 1979."

Sec. 2.013. Chapter 514, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 678m, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The State Building Commission is subject to the Texas Sunset Act, but it is not abolished under that Act. The commission shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1979 and of every 12th year after 1979 are reviewed."

Sec. 2.014. Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Board of Architectural Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.015. Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended by adding Section 26a to read as follows:

"Section 26a. The State Board of Barber Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.016. Chapter 14, Insurance Code, as amended, is amended by adding Article 14.40a to read as follows:

"Article 14.40a. The Burial Association Rate Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1979."

Sec. 2.017. Section 3, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The Texas Board of Chiropractic Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.018. Section 2, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

"(f) The Texas Cosmetology Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979."

Sec. 2.019. Section 2, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4566-1.02, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

"(f) The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.020. Chapter 457, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 249c, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The Texas State Board of Landscape Architects is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.021. Title 35, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 1682a to read as follows:

"Article 1682a. The State Board of Library Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1979."

Sec. 2.022. Section 2, Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4582b, Vernon's Texas Civil Statutes), is amended by adding Subsection N to read as follows:

"N. The State Board of Morticians is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.023. Section 3, Texas Structural Pest Control Act, as amended (Article 135b-6, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

"(e) The Texas Structural Pest Control Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.024. The Plumbing License Law of 1947, as amended (Article 6243-101, Vernon's Texas Civil Statutes), is amended by adding Section 4a to read as follows:

"Section 4a. The Texas State Board of Plumbing Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.025. Section 5, Polygraph Examiners Act, as amended (Article 4413(29cc), Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

"(e) The Polygraph Examiners Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.026. Section 3, Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes), is amended by adding Subsection (j) to read as follows:

"(j) The Texas Private Employment Agency Regulatory Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.027. Section 4, Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

"(d) The Texas Board of Private Investigators and Private Security Agencies is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.028. The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The State Board of Registration for Professional Engineers is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.029. The Public Accountancy Act of 1945, as amended (Article 41a, Vernon's Texas Civil Statutes), is amended by adding Section 4b to read as follows:

"Section 4b. The Texas State Board of Public Accountancy is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.030. The Registered Public Surveyors Act of 1955, as amended (Article 5282a, Vernon's Texas Civil Statutes), is amended by adding Section 4a to read as follows:

"Section 4a. The State Board of Registration for Public Surveyors is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.031. Section 5, The Real Estate License Act, as amended (Article 6573a, Vernon's Texas Civil Statutes), is amended by adding Subsection (k) to read as follows:

"(k) The Texas Real Estate Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979."

Sec. 2.032. Chapter 2, Title 86, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 5268a to read as follows:

"Article 5268a. The Board of Examiners of State Land Surveyors is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1979."

Sec. 2.033. The Water Well Drillers Act, as amended (Article 7621e, Vernon's Texas Civil Statutes), is amended by adding Section 6a to read as follows:

"Section 6a. The Texas Water Well Drillers Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1979."

Sec. 2.034. Chapter 668, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4413(35), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Commission on Fire Protection Personnel Standards and Education is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979."

Sec. 2.035. Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Commission on Law Enforcement Officer Standards and Education is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1979."

Sec. 2.036. The Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes), is amended by adding Section 2.01a to read as follows:

"Section 2.01a. The Texas Air Control Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.037. Chapter 8, Title 121, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 7009c to read as follows:

"Article 7009c. The Texas Animal Health Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1981."

Sec. 2.038. Chapter 325, Acts of the 52nd Legislature, 1951, as amended (Article 5382d, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Boards for Lease of State-Owned Lands are subject to the Texas Sunset Act; and unless each board is continued in existence as provided by that Act the board is abolished effective September 1, 1981."

Sec. 2.039. Section 66.62, Texas Education Code, as amended, is amended by adding Subsection (e) to read as follows:

"(e) The Board for Lease of University Lands is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1981."

Sec. 2.040. Chapter 279, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(38), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Coastal and Marine Council is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the council is abolished, and this Act expires effective September 1, 1981."

Sec. 2.041. Chapter 807, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 6145-7, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Conservation Foundation is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the foundation is abolished, and this Act expires effective September 1, 1981."

Sec. 2.042. Chapter 43, Water Code, is amended by adding Section 43.0031 to read as follows:

"Sec. 43.0031. The office of Canadian River Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1981."

Sec. 2.043. Chapter 42, Water Code, is amended by adding Section 42.0031 to read as follows:

"Sec. 42.0031. The office of Pecos River Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1981."

Sec. 2.044. Chapter 45, Water Code, as amended, is amended by adding Section 45.0011 to read as follows:

"Sec. 45.0011. The office of Red River Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1981."

Sec. 2.045. Chapter 41, Water Code, as amended, is amended by adding Section 41.0031 to read as follows:

"Sec. 41.0031. The office of Rio Grande Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1981."

Sec. 2.046. Chapter 44, Water Code, as amended, is amended by adding Section 44.0031 to read as follows:

"Sec. 44.0031. The office of Sabine River Compact Administrator for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1981."

Sec. 2.047. Title 17, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 549a to read as follows:

"Article 549a. The office of State Entomologist is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1981."

Sec. 2.048. Chapter 91, Parks and Wildlife Code, is amended by adding Section 91.0011 to read as follows:

"Sec. 91.0011. The office of Gulf States Marine Fisheries Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1981."

Sec. 2.049. Chapter 81, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 6008-1, Vernon's Texas Civil Statutes), is amended by adding Section 5a to read as follows:

"Section 5a. The office of Interstate Oil Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1981."

Sec. 2.050. Chapter 136, Acts of the 64th Legislature, 1975 (Article 5920-1, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The office of Interstate Mining Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as

provided by that Act the office is abolished, and this Act expires effective September 1, 1981."

Sec. 2.051. Chapter 474, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 165-4a, Vernon's Texas Civil Statutes), is amended by adding Section 2b to read as follows:

"Section 2b. The Natural Fibers and Food Protein Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1981."

Sec. 2.052. Chapter 11, Parks and Wildlife Code, as amended, is amended by adding Section 11.0111 to read as follows:

"Sec. 11.0111. The Parks and Wildlife Department is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished effective September 1, 1981."

Sec. 2.053. Chapter 524, Acts of the 51st Legislature, Regular Session, 1949 (Article 165-7, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Poultry Improvement Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.054. Section 5, Chapter 3, page 465, General Laws, Acts of the 46th Legislature, 1939, as amended (Article 5421c-3, Vernon's Texas Civil Statutes), is amended by adding Subsection 3a to read as follows:

"3a. The School Land Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1981."

Sec. 2.055. Section 3, Texas Seed and Plant Certification Act (Article 67b, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

"(e) The State Seed and Plant Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.056. Section 4, State Soil Conservation Law, as amended (Article 165a-4, Vernon's Texas Civil Statutes), is amended by adding Subsection I to read as follows:

"I. The State Soil Conservation Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1981."

Sec. 2.057. Subchapter B, Chapter 88, Texas Education Code, as amended, is amended by adding Section 88.1131 to read as follows:

"Sec. 88.1131. The office of South Central Interstate Forest Fire Protection Compact Administrator for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1981."

Sec. 2.058. Chapter 88, Texas Education Code, as amended, is amended by adding Section 88.1011 to read as follows:

"Sec. 88.1011. The office of State Forester is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1981."

Sec. 2.059. Subchapter C, Chapter 88, Texas Education Code, is amended by adding Section 88.2031 to read as follows:

"Sec. 88.2031. The Texas Agricultural Experiment Station is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the station is abolished, and this subchapter expires effective September 1, 1981."

Sec. 2.060. Subchapter A, Chapter 88, Texas Education Code, is amended by adding Section 88.002 to read as follows:

"Sec. 88.002. The Texas Agricultural Extension Service is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the service is abolished effective September 1, 1981."

Sec. 2.061. Chapter 11, Water Code, as amended, is amended by adding Section 11.0111 to read as follows:

"Sec. 11.0111. The Texas Water Development Board is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1981 and of every 12th year after 1981 are reviewed."

Sec. 2.062. Chapter 21, Water Code, as amended, is amended by adding Section 21.0211 to read as follows:

"Sec. 21.0211. The Texas Water Quality Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1981."

Sec. 2.063. Chapter 6, Water Code, as amended, is amended by adding Section 6.0111 to read as follows:

"Sec. 6.0111. The Texas Water Rights Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1981."

Sec. 2.064. Chapter 30, Texas Education Code, as amended, is amended by adding Section 30.111 to read as follows:

"Sec. 30.111. The Texas Rehabilitation Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this chapter expires effective September 1, 1983."

Sec. 2.065. Chapter 80, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 3207a, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The State Commission for the Blind is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.066. Article 664-5, Revised Civil Statutes of Texas, 1925, is amended by adding Section 2a to read as follows:

"Section 2a. The Texas Committee on Purchases of Blind-made Products and Services is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished, and this Act expires effective September 1, 1983."

Sec. 2.067. Chapter 626, Acts of the 64th Legislature, 1975 (Article 664-6, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Texas Committee on Purchases of Blind-made Products and Services is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished, and this Act expires effective September 1, 1983."

Sec. 2.068. Section 3, Article 5787, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Subsection (b-1) to read as follows:

"(b-1) The Veterans Affairs Commission of the State of Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1983."

Sec. 2.069. Chapter 279, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 5421z, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Indian Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.070. Section 2, Chapter 640, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(42), Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The State Commission for the Deaf is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.071. Chapter 711, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(43), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Commission on Services to Children and Youth is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.072. Section 2, The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), is amended by adding Subsection (4) to read as follows:

"(4) The State Department of Public Welfare is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished, and this Act expires effective September 1, 1983."

Sec. 2.073. Chapter 352, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 4447c, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Coordinating Commission for State Health and Welfare Services is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.074. Article 2, Texas Mental Health and Mental Retardation Act, as amended (Article 5547-202 et seq., Vernon's Texas Civil Statutes), is amended by adding Section 2.01B to read as follows:

"Section 2.01B. The Texas Department of Mental Health and Mental Retardation is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished, and this article expires effective September 1, 1983."

Sec. 2.075. Chapter 316, Acts of the 61st Legislature, Regular Session, 1969 (Article 5561f, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The office of Interstate Compact on Mental Health Administrator for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1983."

Sec. 2.076. Section 4, Chapter 411, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 5561c, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

"(e) The Texas Commission on Alcoholism is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.077. Section 3, Chapter 889, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(44), Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The Governor's Commission on Physical Fitness is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1983."

Sec. 2.078. Chapter 13, Title 71, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 4583a to read as follows:

"Article 4583a. The Anatomical Board of the State of Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1983."

Sec. 2.079. Chapter 42, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 4414a et seq., Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Department of Health Resources is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished effective September 1, 1983."

Sec. 2.080. The Texas Health Planning and Development Act (Article 4418h, Vernon's Texas Civil Statutes), is amended by adding Section 2.01a to read as follows:

"Section 2.01a. The Texas Health Facilities Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and Subchapters B and C of this Act expire effective September 1, 1983."

Sec. 2.081. Chapter 13, Acts of the 51st Legislature, 1st Called Session, 1950 (Article 4528b, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Board of Tuberculosis Nurses Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1983."

Sec. 2.082. Section 4, Chapter 118, Acts of the 52nd Legislature, 1951, as amended (Article 4528c, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

"(e) The Board of Vocational Nurse Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1983."

Sec. 2.083. The Texas Optometry Act, as amended (Article 4552-1.01 et seq., Vernon's Texas Civil Statutes), is amended by adding Section 2.01a to read as follows:

"Section 2.01a. The Texas Optometry Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1983."

Sec. 2.084. Chapter 107, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 4542a, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The State Board of Pharmacy is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1983."

Sec. 2.085. Section 2, Chapter 836, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4512e, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

"(f) The Texas Board of Physical Therapy Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1983."

Sec. 2.086. Chapter 11, Title 71, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 4568b to read as follows:

"Article 4568b. The Texas State Board of Podiatry Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1983."

Sec. 2.087. The Psychologists' Certification and Licensing Act, as amended (Article 4512c, Vernon's Texas Civil Statutes), is amended by adding Section 4a to read as follows:

"Section 4a. The Texas State Board of Examiners of Psychologists is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1983."

Sec. 2.088. Section 3, Texas Nursing Home Administrators Licensure Act, as amended (Article 4442d, Vernon's Texas Civil Statutes), is amended by adding Subsection (10) to read as follows:

"(10) The Texas Board of Licensure for Nursing Home Administrators is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1983."

Sec. 2.089. Chapter 95, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4590c, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The State Board of Examiners in the Basic Sciences is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1983."

Sec. 2.090. Chapter 9, Title 71, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 4543a to read as follows:

"Article 4543a. The State Board of Dental Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1983."

Sec. 2.091. Section 5, The Veterinary Licensing Act, as amended (Article 7465a, Vernon's Texas Civil Statutes), is amended by adding Subsection (g) to read as follows:

"(g) The State Board of Veterinary Medical Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1983."

Sec. 2.092. Chapter 6, Title 71, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 4495a to read as follows:

"Article 4495a. The Texas State Board of Medical Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1983."

Sec. 2.093. Chapter 7, Title 71, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 4513a to read as follows:

"Article 4513a. The Board of Nurse Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1983."

Sec. 2.094. The Social Psychotherapist Regulation Act (Article 4512f, Vernon's Texas Civil Statutes), is amended by adding Section 4a to read as follows:

"Section 4a. The Texas State Board of Examiners in Social Psychotherapy is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1983."

Sec. 2.095. Section 1, Chapter 320, Acts of the 59th Legislature, Regular Session, 1965 (Article 695k, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

"(f) The Governor's Committee on Aging is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished, and this Act expires effective September 1, 1983."

Sec. 2.096. Chapter 879, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(201), Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The Texas Department of Community Affairs is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished, and this Act expires effective September 1, 1983."

Sec. 2.097. Section 3, Chapter 344, Acts of the 49th Legislature, 1945, as amended (Article 46c-3, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The Texas Aeronautics Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1985."

Sec. 2.098. Article I, Texas Liquor Control Act, as amended (Article 666-1 et seq., Vernon's Texas Penal Auxiliary Laws), is amended by adding Section 5c to read as follows:

"Section 5c. The Texas Alcoholic Beverage Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1985."

Sec. 2.099. Chapter 587, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(41), Vernon's Texas Civil Statutes), is amended by adding Section 1B to read as follows:

"Section 1B. The Texas Amusement Machine Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1985."

Sec. 2.100. Article 15, Subchapter I, The Texas Banking Code of 1943, as amended (Article 342-115, Vernon's Texas Civil Statutes), is amended by adding Subsection 5 to read as follows:

"5. The State Banking Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1985."

Sec. 2.101. Subchapter II, The Texas Banking Code of 1943, as amended (Article 342-201 et seq., Vernon's Texas Civil Statutes), is amended by adding Article 1a to read as follows:

"Article 1a. The office of Banking Commissioner is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1985."

Sec. 2.102. Chapter 1, Title 83, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 5144a to read as follows:

"Article 5144a. The office of Commissioner of Labor and Standards is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1985."

Sec. 2.103. Article 2.02, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-2.02, Vernon's Texas Civil Statutes), is amended by adding Subsection (8) to read as follows:

"(8) The Office of Consumer Credit Commissioner is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1985."

Sec. 2.104. Section 11.01, Texas Credit Union Act, as amended (Article 2461-11.01, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The Credit Union Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1985."

Sec. 2.105. Subchapter A, Chapter 88, Texas Education Code, is amended by adding Section 88.004 to read as follows:

"Sec. 88.004. The Texas Engineering Experiment Station is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the station is abolished effective September 1, 1985."

Sec. 2.106. Chapter 13, Acts of the 62nd Legislature, 4th Called Session, 1972 (Article 4413(45), Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Texas Film Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1985."

Sec. 2.107. Article 6663, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Paragraph (c) to read as follows:

"(c) The State Department of Highways and Public Transportation is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished effective September 1, 1985."

Sec. 2.108. Article 8307, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Section 1a to read as follows:

"Section 1a. The Industrial Accident Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this article expires effective September 1, 1985."

Sec. 2.109. Chapter 10, Title 83, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 5183a to read as follows:

"Article 5183a. The Industrial Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1985."

Sec. 2.110. Article 1.02, Insurance Code, as amended, is amended by adding Subsection (f) to read as follows:

"(f) The State Board of Insurance is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1985."

Sec. 2.111. The Texas Motor Vehicle Commission Code, as amended (Article 4413(36), Vernon's Texas Civil Statutes), is amended by adding Section 2.01a to read as follows:

"Section 2.01a. The Texas Motor Vehicle Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1985."

Sec. 2.112. Section 4, Chapter 201, Acts of the 60th Legislature, Regular Session, 1967 (Article 5182a, Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

"(d) The Occupational Safety Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1985."

Sec. 2.113. Chapter 12, Water Code, is amended by adding Section 12.0111 to read as follows:

"Sec. 12.0111. The Texas Offshore Terminal Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this chapter expires effective September 1, 1985."

Sec. 2.114. The Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), is amended by adding Section 5a to read as follows:

"Section 5a. The Public Utility Commission of Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1985."

Sec. 2.115. Article 5, Subchapter II, The Texas Banking Code of 1943, as amended (Article 342-205, Vernon's Texas Civil Statutes), is amended by adding Subsection (j) to read as follows:

"(j) The office of Savings and Loan Commissioner is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1985."

Sec. 2.116. Chapter 54, Acts of the 57th Legislature, Regular Session, 1961 (Article 4413c-1, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The office of Southern Interstate Nuclear Compact Board Member for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1985."

Sec. 2.117. Section 2, Securities Act, as amended (Article 581-2, Vernon's Texas Civil Statutes), is amended by adding Subsection F to read as follows:

"F. The State Securities Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1985."

Sec. 2.118. Section 10, Chapter 482, Acts of the 44th Legislature, 3rd Called Session, 1936, as amended (Article 5221b-8, Vernon's Texas Civil Statutes), is amended by adding Subsection (g) to read as follows:

"(g) The Texas Employment Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1985."

Sec. 2.119. Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6674v, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The Texas Turnpike Authority is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the authority is abolished, and this Act expires effective September 1, 1985."

Sec. 2.120. Chapter 521, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(40), Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Commission for the Texas Civil Air Patrol is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1985."

Sec. 2.121. Chapter 312, Acts of the 52nd Legislature, 1951 (Article 6889-5, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The office of Interstate Civil Defense and Disaster Compact Administrator for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1985."

Sec. 2.122. Title 97A, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 5931-1a to read as follows:

"Article 5931-1a. The Texas National Guard Armory Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the Board is abolished, and this Title expires effective September 1, 1985."

Sec. 2.123. Section 1, Article 5781, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Subsection (c) to read as follows:

"(c) The Adjutant General's Department is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the Department is abolished, and this Article expires effective September 1, 1985."

Sec. 2.124. Section 1, Chapter 137, Acts of the 58th Legislature, 1963, as amended (Article 6144f, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

"(f) The Texas Tourist Development Agency is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the agency is abolished, and this Act expires effective September 1, 1985."

Sec. 2.125. Chapter 134, Acts of the 58th Legislature, 1963 (Article 6701k, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The office of Vehicle Equipment Safety Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1985."

Sec. 2.126. Subchapter I, The Texas Banking Code of 1943, as amended (Article 342-101 et seq., Vernon's Texas Civil Statutes), is amended by adding Article 3a to read as follows:

"Article 3a. The Finance Commission of Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1985."

Sec. 2.127. Chapter 181, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 4413(1) et seq., Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Department of Public Safety is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the department is abolished effective September 1, 1985."

Sec. 2.128. Title 14, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 304a to read as follows:

"Article 304a. The Board of Law Examiners is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1987."

Sec. 2.129. The State Bar Act, as amended (Article 320a-1, Vernon's Texas Civil Statutes), is amended by adding Section 2A to read as follows:

"Section 2A. The State Bar is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the State Bar is abolished, and this Act expires effective September 1, 1987."

Sec. 2.130. Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 6166a et seq., Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The Texas Board of Corrections is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1987."

Sec. 2.131. Chapter 19, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 2328a, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Civil Judicial Council is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the council is abolished, and this Act expires effective September 1, 1987."

Sec. 2.132. Article 42.11, Code of Criminal Procedure, 1965, as amended, is amended by adding Section 3a to read as follows:

"Section 3a. The office of Interstate Parole Compact Administrator for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Article expires effective September 1, 1987."

Sec. 2.133. Chapter 480, Acts of the 64th Legislature, 1975 (Article 5115.1, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The Commission on Jail Standards is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1987."

Sec. 2.134. Chapter 516, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 5966a, Vernon's Texas Civil Statutes), is amended by adding Section 1A to read as follows:

"Section 1A. The State Judicial Qualifications Commission is subject to the Texas Sunset Act, but it is not abolished under that Act. The commission shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1987 and of every 12th year after 1987 are reviewed."

Sec. 2.135. Chapter 722, Acts of the 62nd Legislature, Regular Session, 1971 (Article 5444b, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The State Law Library is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the library is abolished, and this Act expires effective September 1, 1987."

Sec. 2.136. Article 42.12, Code of Criminal Procedure, as amended, is amended by adding Section 12a to read as follows:

"Section 12a. The Board of Pardons and Paroles is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1987 and of every 12th year after 1987 are reviewed."

Sec. 2.137. Title 38, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 1811aa to read as follows:

"Article 1811aa. The office of State Prosecuting Attorney is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1987."

Sec. 2.138. Section 4, Chapter 281, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 5143d, Vernon's Texas Civil Statutes), is amended by adding Subsection (h) to read as follows:

"(h) The Texas Youth Council is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the council is abolished, and this Act expires effective September 1, 1987."

Sec. 2.139. The Antiquities Code of Texas, as amended (Article 6145-9, Vernon's Texas Civil Statutes), is amended by adding Section 3a to read as follows:

"Section 3a. The Antiquities Committee is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished effective September 1, 1987."

Sec. 2.140. Chapter 323, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 6144g, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Commission on the Arts and Humanities is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1987."

Sec. 2.141. Subchapter B, Chapter 11, Texas Education Code, as amended, is amended by adding Section 11.211 to read as follows:

"Sec. 11.211. The State Board of Education is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1987 and every 12th year after 1987 are reviewed."

Sec. 2.142. Subchapter A, Chapter 11, Texas Education Code, as amended, is amended by adding Section 11.011 to read as follows:

"Sec. 11.011. The Central Education Agency is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the agency is abolished effective September 1, 1987."

Sec. 2.143. Chapter 161, Texas Education Code, is amended by adding Section 161.021 to read as follows:

"Sec. 161.021. The office of Compact for Education Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1987."

Sec. 2.144. Subchapter B, Chapter 61, Texas Education Code, as amended, is amended by adding Section 61.0211 to read as follows:

"Sec. 61.0211. The Coordinating Board, Texas College and University System, is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this chapter expires effective September 1, 1987."

Sec. 2.145. Subchapter A, Chapter 88, Texas Education Code, is amended by adding Section 88.003 to read as follows:

"Sec. 88.003. The Texas Engineering Extension Service is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the service is abolished effective September 1, 1987."

Sec. 2.146. Section 13.031, Texas Education Code, as amended, is amended by adding Subsection (c) to read as follows:

"(c) The Board of Examiners for Teacher Education is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1987."

Sec. 2.147. Subchapter C, Chapter 86, Texas Education Code, as amended, is amended by adding Section 86.511 to read as follows:

"Sec. 86.511. The Real Estate Research Center is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the center is abolished, and this subchapter expires effective September 1, 1987."

Sec. 2.148. Chapter 348, Acts of the 63rd Legislature, Regular Session, 1973 (Article 4498c, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The State Rural Medical Education Board is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1987 and of every 12th year after 1987 are reviewed."

Sec. 2.149. Chapter 160, Texas Education Code, as amended, is amended by adding Section 160.041 to read as follows:

"Sec. 160.041. The office of Southern Regional Education Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1987."

Sec. 2.150. Subchapter D, Chapter 13, Texas Education Code, as amended, is amended by adding Section 13.2031 to read as follows:

"Sec. 13.2031. The Teachers' Professional Practices Commission is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1987."

Sec. 2.151. Section 51.153, Texas Education Code, is amended by adding Subsection (e) to read as follows:

"(e) The Western Information Network Association is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the association is abolished effective September 1, 1987."

Sec. 2.152. Section 51.168, Texas Education Code, is amended by adding Subsection (d) to read as follows:

"(d) An information network association created under this section is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the association is abolished effective September 1, 1987."

Sec. 2.153. Section 12.11, Texas Education Code, is amended by adding Subsection (g) to read as follows:

"(g) The State Textbook Committee is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished effective September 1, 1987."

Sec. 2.154. Section 4, Chapter 417, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 4413(32a), Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The Division of Planning Coordination is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the division is abolished, and this section expires effective September 1, 1989."

Sec. 2.155. The Texas Intergovernmental Cooperation Act, as amended (Article 4413(32b), Vernon's Texas Civil Statutes), is amended by adding Section 4a to read as follows:

"Section 4a. The Texas Advisory Commission on Intergovernmental Relations is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1989."

Sec. 2.156. Chapter 326, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413d-1, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The office of State-Federal Relations is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1989."

Sec. 2.157. Chapter 569, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 4413b-1, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Texas Commission on Interstate Cooperation is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1989."

Sec. 2.158. Chapter 1, Title 20, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 601a to read as follows:

"Article 601a. The State Board of Control is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1989."

Sec. 2.159. Chapter 32, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6252-6b, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Texas Surplus Property Agency is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the agency is abolished, and this Act expires effective September 1, 1989."

Sec. 2.160. Chapter 1, Title 70, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 4330a to read as follows:

"Article 4330a. The office of secretary of state is subject to the Texas Sunset Act, but it is not abolished under that Act. The office shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and of every 12th year after 1989 are reviewed."

Sec. 2.161. Section 3.59, Texas Education Code, as amended, is amended by adding Subsection (d-1) to read as follows:

"(d-1) The State Board of Trustees of the Teacher Retirement System of Texas is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and of every 12th year after 1989 are reviewed."

Sec. 2.162. Subsection A, Section 6, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), is amended by adding Subdivision 1a to read as follows:

"1a. The State Board of Trustees of the Employees Retirement System of Texas is subject to the Texas Sunset Act, but it is not abolished under that Act. The

board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and of every 12th year after 1989 are reviewed."

Sec. 2.163. Section 8, Chapter 127, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6228g, Vernon's Texas Civil Statutes), is amended by adding Subsection 1a to read as follows:

"1a. The Board of Trustees of the Texas County and District Retirement System is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and of every 12th year after 1989 are reviewed."

Sec. 2.164. Section VIII, Chapter 75, Acts of the 50th Legislature, 1947 (Article 6243h, Vernon's Texas Civil Statutes), is amended by adding Subsection 1a to read as follows:

"1a. The Board of Trustees of the Texas Municipal Retirement System is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and of every 12th year after 1989 are reviewed."

Sec. 2.165. Chapter 318, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5421m, Vernon's Texas Civil Statutes), is amended by adding Section 2(D) to read as follows:

"Section 2(D). The Veterans' Land Board is subject to the Texas Sunset Act, but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1989 and of every 12th year after 1989 are reviewed."

Sec. 2.166. Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes), is amended by adding Section 19A to read as follows:

"Section 19A. The office of Firemen's Pension Commissioner is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1989."

Sec. 2.167. Chapter 4, Title 122, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 7098b to read as follows:

"Article 7098b. The State Tax Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1989."

Sec. 2.168. Section 1, Chapter 1, Acts of the 56th Legislature, 1st Called Session, 1959 (Article 4348a, Vernon's Texas Civil Statutes), is amended by adding Subsection c to read as follows:

"c. The Committee on State Revenue Estimates is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished effective September 1, 1989."

Sec. 2.169. Chapter 1, Title 122, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 7041a to read as follows:

"Article 7041a. The board to calculate the ad valorem tax rate is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1989."

Sec. 2.170. Chapter 1, Title 47, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 2525a to read as follows:

"Article 2525a. The State Depository Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1989."

Sec. 2.171. Chapter 9, Texas Election Code, as amended (Article 9.01 et seq., Vernon's Texas Election Code), is amended by adding Article 157a to read as follows:

"Article 157a. The State Board of Canvassers is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1989."

Sec. 2.172. Chapter 293, Acts of the 48th Legislature, Regular Session, 1943 (Article 4413a-8, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Legislative Audit Committee is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the committee is abolished effective September 1, 1989."

Sec. 2.173. Chapter 487, Acts of the 51st Legislature, Regular Session, 1949 (Article 5429c, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Legislative Budget Board is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished, and this Act expires effective September 1, 1989."

Sec. 2.174. Chapter 324, Acts of the 51st Legislature, Regular Session, 1949 (Article 5429b, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The State Legislative Council is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the council is abolished, and this Act expires effective September 1, 1989."

Sec. 2.175. Chapter 55, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 5444a, Vernon's Texas Civil Statutes), is amended by adding Section 2a to read as follows:

"Section 2a. The Legislative Reference Library is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the library is abolished, and this Act expires effective September 1, 1989."

Sec. 2.176. Chapter 415, Acts of the 52nd Legislature, Regular Session, 1951 (Article 1273b, Vernon's Texas Civil Statutes), is amended by adding Section 1a to read as follows:

"Section 1a. The Commission on Uniform State Laws is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished, and this Act expires effective September 1, 1989."

Sec. 2.177. Section 2, Chapter 566, Acts of the 60th Legislature, Regular Session, 1967 (Article 7359a, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) The office of Multistate Tax Compact Commissioner for Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished, and this Act expires effective September 1, 1989."

ARTICLE 3. MISCELLANEOUS PROVISIONS

Sec. 3.01. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1

Amend C.S.S.B. 54 as follows:

1. Strike Sec. 1.04 and Sec. 1.06 and substitute in lieu thereof the following:

"Sec. 1.04. **MEMBERSHIP; APPOINTMENT.** The commission is composed of eleven members. The speaker of the house and the lieutenant governor are members by virtue of election to their offices. The appointed members are:

- (1) three members of the house appointed by the speaker of the house;
- (2) three members of the senate appointed by the lieutenant governor; and
- (3) three citizens appointed by the governor.

Sec. 1.06. **CHAIRPERSON; MEETINGS; QUORUM.** (a) The commission shall biennially elect a chairperson from its membership.

(b) The commission shall meet as often as necessary to carry out this Act.

(c) Six members, two of whom must be appointed members from the house and two of whom must be appointed members from the senate, constitute a quorum."

2. Strike Sec. 1.10, Sec. 1.11, and Sec. 1.12 and substitute in lieu thereof the following:

"Sec. 1.10. **COMMISSION DUTIES.** Before June 1 of the even-numbered year before the year a state agency and its advisory committee are abolished according to this Act, the commission shall:

(1) review and take action necessary to verify the reports submitted by the agency under Sec. 1.09 of this Act;

(2) consult the Legislative Budget Board, the Governor's Budget and Planning Office, the state auditor, and the comptroller of public accounts, or their successors, on the application to the agency of the criteria provided in Sec. 1.13 of this Act;

(3) conduct a performance evaluation of the agency based on the criteria provided in Sec. 1.13 of this act and prepare a written report, which is a public record.

Sec. 1.11. **PUBLIC HEARINGS.** Between June 1 and November 1 of the calendar year before the agency and its advisory committees are abolished according to this Act, the commission shall conduct public hearings on, but not limited to, the application to the agency of the criteria provided in Sec. 1.13 of this Act. Provided, however, that the commission may hold public hearings prior to June 1 if the evaluation required by subsection 3, Sec. 1.10 of this Act has been completed and made available to the public.

Sec. 1.12. **COMMISSION REPORT.** Before December 15 of the calendar year before the year an agency and its advisory committees are abolished according to this Act the commission shall present to the legislature and the governor a report containing the commission's findings under Sec. 1.13 of this Act, its recommendation as provided in Sec. 1.14 of this Act, and other information considered necessary by the commission for a complete evaluation of the agency."

3. On page 4, line 3, change the phrase "the criteria in Section 1.11" to "the criteria in Section 1.13".

4. Strike Sec. 1.18 and renumber all subsequent sections accordingly.

5. Renumber Sec. 2.036, Article II as Sec. 2.037, renumber all subsequent sections accordingly and add a new Sec. 2.036 to read as follows:

Sec. 2.036. Chapter 1, Title 4, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 47a to read as follows:

"Article 47a. The Office of Commissioner of Agriculture is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the office is abolished effective September 1, 1981."

Floor Amendment No. 2

Amend **C.S.S.B. 54**, First Printing, by adding a new Sec. 2.115 to read as follows and renumber all subsequent sections accordingly:

"Sec. 2.115. Chapter 11, Title 112, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 6445a to read as follows:

"Article 6445a. The Railroad Commission of Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the commission is abolished effective September 1, 1985."

Floor Amendment No. 3

Amend **C.S.S.B. 54** p. 3 line 9 and p. 2 line 23 by striking "an ex officio member or" capitalize the "a" on line 10 p. 3 and line 23, p. 2.

The amendments were read.

Senator Doggett moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 54** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Doggett, Meier, Schwartz, Jones of Harris and Clower.

SENATE BILL 411 WITH HOUSE AMENDMENT

Senator Adams called **S.B. 411** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Committee Substitute for **S.B. 411**:

relating to the creation of a fire fighters' relief and retirement fund for fire fighters who serve without monetary remuneration; providing for the administration of the fund and the distribution of benefits; establishing solvency and disclosure requirements for all fire fighters' pension plans for fire fighters who serve without monetary remuneration; providing civil penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Sec. 1. **DEFINITIONS.** In this Act:

(1) "Qualified service" means fire fighting service rendered without monetary remuneration while a member in good standing of a fire fighting unit that has no

fewer than 10 active members, and a minimum of two drills each month, each drill two hours long, and each active member present at 60 percent of the drills and 25 percent of the fires, or fire fighting service rendered without monetary remuneration while a member of a fire fighting unit which includes paid fire fighters. Absence caused by military duty does not affect qualified service.

(2) "Retirement age" means age 55.

(3) "Dependent" means dependent as defined by the U.S. Internal Revenue Code, Subtitle A, Chapter 18, Part V, Section 152, and any subsequent amendments.

(4) "Solvent" means sufficient assets on hand to meet all current benefits due.

(5) "Qualified actuary" means a fellow of the Society of Actuaries or a member of the American Academy of Actuaries, or both, who has at least five years of experience with public retirement systems.

(6) "Actuarially sound pension system" means a system in which the amount of contributions is sufficient to cover the normal cost and 40-year amortization of the unfunded prior-service cost (such normal cost and prior-service cost to be determined by a qualified actuary and based on assumptions adopted by the state board of trustees and approved by the actuary in regard to future contribution levels, mortality, retirement age, turnover, and morbidity) where:

(A) the normal cost is the annual cost of the members' benefits assigned to the years after date of entry;

(B) the unfunded prior-service cost is equal to the prior-service cost reduced by the assets; and

(C) the prior-service cost determined as of the date of the actuarial valuation is equal to:

(i) the present value of future benefits on behalf of all individuals receiving benefits;

(ii) the present value of future benefits on behalf of all individuals who have terminated their service with vested benefits to commence at a future date; and

(iii) the present value of future benefits accrued to the date of valuation on behalf of all individuals in active service.

(7) "Fund" means the Fire Fighters' Relief and Retirement Fund created by this Act.

(8) "Pension system" means the system of contributions and benefits created by this Act.

(9) "Member fire fighter" means a fire fighter who participates in the pension system under this Act.

(10) "Member fire department" means a fire department that participates in the pension system under this Act.

(11) "Current pension plan" means a pension plan in which a fire department is participating when it elects to join the pension system created by this Act.

(12) "Commissioner" means the Firemen's Pension Commissioner authorized by Section 19, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937 (Article 6243e, Vernon's Texas Civil Statutes).

(13) "Governing body" means the governing body of any political subdivision of the state within which a Rural Fire Prevention District created pursuant to the provisions of Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes) is situated or the governing body of any city or town within which a fire department subject to the provisions of this Act is situated.

Sec. 2. FIRE FIGHTERS' RELIEF AND RETIREMENT FUND. (a) A Fire Fighters' Relief and Retirement Fund is created.

(b) Participation in the fund is optional. Any governing body may, not later than 60 days after the effective date of this Act and in accordance with the usual

procedures prescribed for other official actions of the governing body, elect to exempt itself from the requirements of this Act. Any action to provide for an exemption from the requirements of this Act may be rescinded by the governing body at any time.

(c) Every governing body shall contribute for each fire fighter at least \$12 for each month of qualified service beginning on the date the fire fighter enters the pension system. Contributions must be paid at least every six months. If the member fire department is situated in more than one political subdivision, the governing bodies of such political subdivisions shall contribute equally towards a total of at least \$12 for each fire fighter for each month of qualified service.

(d) The state shall contribute the sum necessary to make the fund actuarially sound each year. The state's contribution may not exceed the amount of one-third of the total of all contributions by governing bodies in one year. If the state contributes one-third of the total contributions of the governing bodies in one year, the fund shall be presumed actuarially sound.

(e) The commissioner may receive contributions to the fund from any source.

(f) Any contribution made and any benefits provided pursuant to this Act shall not be considered compensation, and member fire fighters shall not be deemed to be in the paid service of any governing body.

Sec. 3. RETIREMENT BENEFITS. (a) A member fire fighter shall receive a retirement annuity payable in monthly installments on reaching retirement age, subject to the vesting provisions in Section 6 of this Act.

(b) The monthly retirement annuity is equal to three times the governing body's average monthly contribution over the member fire fighter's term of qualified service under this Act.

(c) For each year of additional qualified service in excess of 15 years, a member fire fighter is entitled to receive an additional seven percent of his monthly pension compounded annually. A fire fighter may receive a proportional credit for days or months of qualified service that make up less than a year.

Sec. 4. DISABILITY BENEFITS. (a) A member fire fighter must elect between retirement or disability benefits if eligible for both.

(b) A member fire fighter who is totally disabled and cannot perform duties as a member of the fire department shall receive a weekly disability allowance throughout the term of such disability.

(c) The standard monthly disability allowance is three times the governing body's monthly contribution at the date of the fire fighter's disability.

(d) A member fire fighter whose disability results from performing duties as a fire fighter is guaranteed a disability benefit of at least \$250 a month.

Sec. 5. DEATH BENEFITS. (a) The beneficiary of a deceased member fire fighter shall receive a lump sum benefit that is the greater of:

(1) the sum contributed to the fund on the decedent's behalf; or

(2) the sum which would have been contributed on the decedent's behalf from whatever source at the end of 15 years of qualified service.

(b) The beneficiary of a member whose death results from performing duties as a fire fighter is guaranteed a lump sum benefit of at least \$5,000.

(c) In addition to the lump sum death benefit, the spouse and dependents shall receive, in equal shares, a survivors benefit equal to two-thirds of the disability benefit the decedent would have received at date of death. As long as both spouse and one or more dependents survive, an additional one-third of the disability benefit the decedent would have received at date of death shall be paid to the dependents in equal shares.

(d) If a member fire fighter dies after retirement, the surviving spouse shall receive two-thirds of the monthly pension the decedent was receiving at the time of death.

(e) The spouse is eligible to receive benefits as long as the spouse is unmarried.
(f) The lump sum death benefits are subject to the laws of descent and distribution if the decedent has not provided for testamentary disposition.

(g) When a fire fighter names more than one beneficiary for the lump sum death benefit, the benefit shall be divided equally among the named beneficiaries unless the fire fighter designates a proportional division. If the fire fighter designates a proportional division, each beneficiary shall receive the proportion of the lump sum benefit designated by the fire fighter.

Sec. 6. VESTING OF BENEFITS. (a) No right to retirement benefits vests until five years of qualified service are completed.

(b) Vested retirement benefits are nonforfeitable.

(c) Full retirement benefits vest at the following rates:

(1) 25 percent after the first 5 years of qualified service;

(2) 5 percent a year for the next 5 years of qualified service; and

(3) 10 percent a year for the 11th through the 15th years of qualified service.

Sec. 7. MEMBER CLAIM AND APPEAL PROCEDURE. (a) Claims for benefits are filed with the local board of trustees.

(b) On receiving a claim for benefits, the local board of trustees shall hold a hearing to decide the claim. A written copy of the decision must be sent to the claimant and the commissioner.

(c) A claimant may appeal the decision of the local board by filing notice of the appeal with the local board and the commissioner within 20 days after receiving notice of the local board's decision.

(d) The local board shall file a transcript of the local board hearing with the commissioner within 30 days after receiving notice of appeal.

(e) The commissioner shall, within 30 days after receiving a notice of appeal, set a date for a hearing and notify the claimant and the local board.

(f) A written copy of the commissioner's decision must be sent to the claimant and the local board.

(g) A claimant may appeal the commissioner's decision to the state board of trustees. The appeal must be filed within 20 days after receiving notice of the commissioner's decision.

(h) The state board of trustees shall, within 30 days after receiving notice of appeal, set a date for a hearing and notify the claimant, the local board, and the commissioner.

(i) The claimant, the local board, and the commissioner may present any written or oral evidence necessary for deciding a claim.

(j) The local board, the state board, and the commissioner may administer oaths, receive evidence, issue subpoenas to compel the attendance of witnesses and the production of papers and documents related to the hearing, and make findings of fact and decisions in administering this Act.

(k) The Attorney General shall represent the commissioner in all proceedings under this Act which require representation.

(l) The local board may be represented by the city attorney or where appropriate, the county attorney or counsel it may choose to employ.

(m) The Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) applies to all hearings authorized by this Act.

Sec. 8. CERTIFICATION OF PHYSICAL FITNESS. A fire fighter entering service in a member fire department after the effective date of this Act must be certified as physically fit by the local board of trustees prior to admission to the pension system.

Sec. 9. TRANSFER OF ACCRUED BENEFITS. A member fire fighter who terminates service and later resumes service with the same fire department, or transfers to another member department, may transfer all accrued benefits to the new or resumed service.

Sec. 10. ENTERING THE PENSION SYSTEM; REQUIRED ELECTION.

(a) An election must be held within the local fire department to merge its current pension plan with the pension system.

(b) The election must be held within 14 days after:

(1) a petition calling for an election and signed by 50 percent of the active fire fighters in the department is filed at the local department; and

(2) the disclosure required by Section 16 of this Act is made to the fire fighters in the local department.

(c) If the current pension plan of the fire department is not solvent, the election to enter the pension system in this Act must be decided by a majority of the votes cast by qualified fire fighters in the department.

(d) If the current pension plan of the fire department is solvent, the election to enter the pension system in this Act must be decided by at least 60 percent of all votes cast.

(e) In the election required in this section, a fire fighter's vote must be multiplied by the number of years of participation in the current pension plan.

Sec. 11. MERGER OF THE CURRENT PENSION PLAN WITH THE PENSION SYSTEM. (a) When a fire department under a current pension plan elects to participate in the pension system in this Act, the current pension plan is merged with the pension system.

(b) The costs of the current pension plan shall be determined on an actuarially-sound basis using the attained-age normal method and actuarial assumptions described in Subdivision 6 of Section 1 of this Act. The costs must be certified by a qualified actuary as of the effective date of merger or within three years preceding the date of merger.

(c) On the date of merger, all assets and liabilities of the current pension plan are transferred to the pension system and become an allocated part of the system. The assets may be merged with the pension system assets for investment purposes, but a separate account must be maintained for the funds allocated to each plan that has merged with the system.

(d) Following merger, a member's retirement benefits in the pension system are determined by either the future-service method or the buy-back method. The options are available only to fire fighters participating in the current pension plan.

(e)(1) In the future-service method, the qualified service required to earn retirement benefits in the pension system begins as of the date of merger. For determining a person's retirement benefits in the pension system, a fire fighter may choose the formula for benefits used in the current pension plan or the formula for benefits as outlined in this Act. Any retirement benefits accrued prior to the date of merger will also be paid on retirement according to the formula for benefits under the current pension plan.

(2) In the buy-back method in determining the fire fighters' retirement benefits in the pension system, a fire fighter may choose the formula for benefits used in the current pension plan or the formula for benefits as outlined in this Act. The fire fighter who has less than 15 years of service remaining before retirement as of the date of merger may count time served under the current pension plan before the date of merger as qualified service. The time period necessary to make 15 years of service before retirement may be used.

(f) A fire fighter who terminates service prior to the date of merger of his fire department's current pension plan with the pension system is entitled to receive at retirement age the retirement benefits vested under the pension plan in effect during his service. The pension system pays his benefits.

(g) Any benefits being paid by the current pension plan at the date of merger will be paid by the pension system following merger.

(h) On merger of a current pension plan with the pension system, the sponsors of the current pension plan are obligated to make contributions to the pension system in this Act to fund the unfunded prior-service cost. The unfunded prior-service cost is determined as of the date of merger using the attained-age normal method and the actuarial assumptions in the definition of "actuarially sound pension system." The period of funding these contributions shall not exceed 40 years measured from the date of merger.

(i) An election for the local board of trustees must be held within 30 days of entering the pension system. The names of the elected trustees are filed with the commissioner.

Sec. 12. WITHDRAWING FROM THE PENSION SYSTEM. (a) A current pension plan that merges with the pension system may withdraw from the pension system within five years after the date of merger on a majority vote of the fire fighters in the department voting in the same manner as provided in Section 10 of this Act.

(b) On withdrawal from the pension system, the allocated assets and liabilities as apportioned by an actuary retained by the pension system must be transferred to the plan chosen to replace the pension system.

(c) If a fire fighter terminates service before retirement, vested retirement benefits must be paid to the fire fighter at retirement age. There is no penalty for nonconsecutive years of service.

Sec. 13. BENEFITS RECEIVED FROM OTHER PLANS OR INSURANCE. The rights to benefits under this pension system are not defeated by benefits or payments received by other plans or insurance.

Sec. 14. INVESTMENT AND MANAGEMENT OF THE FUND. (a) If the commissioner's annual report shows a surplus in the fund over the amount necessary to pay benefits due for a reasonable period of time not to exceed five years, the commissioner and trustees shall invest the surplus.

(b) The surplus may be invested in:

(1) bonds or other interest-bearing obligations and securities issued by governmental entities;

(2) shares or share accounts of savings and loan associations insured by the Federal Savings and Loan Insurance Corporation;

(3) shares and share accounts of banks insured by the Federal Deposit Insurance Corporation;

(4) first lien real estate mortgage securities insured by the Federal Housing Administration under the National Housing Act, as amended;

(5) investments made by a life insurance company in order to effect a group annuity contract; or

(6) corporation bonds, preferred stocks, and common stocks.

(c) The state board of trustees shall employ a professional investment counselor, a legal reserve life insurance company licensed to do business in the State of Texas, or a bank with trust powers under the laws of the State of Texas. The investment counselor or bank employed by the board must be a nationally known organization whose business includes investment counseling for public pension and retirement funds. A life insurance company employed by the board must provide a group annuity contract that guarantees expenses and provides a formula for determining the amount of funds available for transfer at the end of a contract period. The contract may not include requirements that guaranteed life annuities be purchased.

(d) The cost of the investment counseling service may be paid from income earned by investments.

(e) No portion of the corpus or income of the fund may be used for purposes other than the benefit of member fire fighters and their beneficiaries.

Sec. 15. **PENSION PLANS REQUIRED TO BE SOLVENT.** (a) Every fire fighter in the state who serves without monetary remuneration must be a member of a solvent pension plan.

(b) After the effective date of this Act, an insolvent pension plan for fire fighters who serve without monetary remuneration must become actuarially sound within three years. An insolvent pension plan must demonstrate to the commissioner within six months after becoming insolvent that steps are being taken to become actuarially sound.

Sec. 16. **DISCLOSURE OF PENSION PLAN INFORMATION REQUIRED.** (a) The governing body shall disclose to each fire fighter who serves without monetary remuneration and who is eligible for participation in the pension system the information required by this section.

(b) The commissioner shall distribute to each fire department and each governing body the following information:

- (1) all benefits that are available in the pension system in this Act;
- (2) the contributions required by the pension system;
- (3) the expected return on the investment of a member fire fighter;
- (4) when benefits vest;
- (5) the transferability of benefits;
- (6) rights of withdrawing members;
- (7) procedures for filing claims and appeals;
- (8) tax consequences; and
- (9) changes in the law.

(c) The local fire department shall disclose to each fire fighter in the department and to each new fire fighter on his commissioning the information in Subsection (b) of this section.

(d) After a petition for an election as required in Section 10 of this Act has been filed, and before the election occurs, the directors of a current pension plan must disclose to its members the information required in Subsection (b) of this section about the current pension plan.

Sec. 17. **PENALTIES.** (a) A governing body which does not disclose the information required in Section 16 of this Act or which does not meet the requirements of a solvent pension fund as required in Section 15 of this Act is subject to a civil penalty of not less than \$100 nor more than \$1,000 for each violation, plus reasonable attorney's fees.

(b) The Attorney General shall bring suit in a court of appropriate jurisdiction to collect the civil penalties authorized by this Act.

Sec. 18. **COMMISSIONER.** The duties of the commissioner under this Act shall be performed by the Firemen's Pension Commissioner appointed under the provisions of Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243c, Vernon's Texas Civil Statutes).

Sec. 19. **COMMISSIONER'S DUTIES.** (a) The commissioner may not administer any fire fighters' pension plan other than the pension system created by this Act and the system created by Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243c, Vernon's Texas Civil Statutes).

(b) The commissioner may hear appeals from decisions of local boards in other pension plans.

(c) The commissioner and the state board of trustees shall assemble and disseminate the information necessary for the disclosure requirements concerning the pension system as outlined in Section 16 of this Act.

(d) The commissioner is responsible for recovering any fraudulently acquired benefits. If it appears that fraud has occurred, the commissioner shall notify the local board and the claimant and hold a hearing. If after the hearing the commissioner decides that benefits have been or are being fraudulently acquired, he

(e) The commissioner shall collect the revenues from the local boards of trustees for the fund.

(f) The commissioner may request and administer additional state funds in an emergency.

(g) The commissioner shall require annual reports from the local boards of trustees.

(h) The commissioner may at any reasonable time examine the records and accounts of local boards of trustees.

(i) The commissioner may recommend to the state board of trustees rules to implement this Act.

(j) The commissioner shall keep a copy of all rules promulgated under this Act on file in the commissioner's office. A copy of the rules shall be placed with each local board of trustees and shall be made available for public inspection at any reasonable time.

(k) The commissioner shall prepare the necessary forms for use by local boards of trustees.

(l) The commissioner shall prepare an annual report on the activity and status of the fund. The report shall go to the Governor, the Lieutenant Governor, and the Speaker of the House.

(m) The commissioner shall oversee the distribution of all benefits. The commissioner shall make benefit payments to claimants after receiving a copy of a local board of trustees' decision in favor of a claim and reviewing that decision.

(n) If the commissioner overrules a local board's decision, he shall immediately notify the local board and the claimant.

(o) The commissioner shall hear all appeals from local boards of trustees' decisions and issue written opinions in compliance with the procedures required by this Act.

(p) The commissioner shall keep a written transcript of all proceedings and hearings required by this Act.

Sec. 20. STATE BOARD OF TRUSTEES. (a) There is a state board of trustees composed of six members of the fund.

(b) The Governor, with the advice and consent of two-thirds majority membership of the Senate, shall appoint the trustees from a list of three to five nominees submitted by the State Firemen's and Firemarshals' Association of Texas for each vacancy.

(c) The trustees shall serve six-year terms. The trustees appointed to serve on the first board of trustees shall draw by lot at the first board meeting to determine the length of term to be served. Two trustees shall serve a two-year term; two trustees shall serve a four-year term; and two trustees shall serve a six-year term. Thereafter each term shall be for six years.

(d) Five trustees constitute a quorum.

(e) A board decision or recommendation is made by a majority vote of trustees present. The vote must be recorded in the minutes of board meetings.

(f) The trustees shall serve without compensation. Trustees may be reimbursed for travel expenses to attend board meetings.

Sec. 21. DUTIES OF THE STATE BOARD OF TRUSTEES. (a) The board shall employ the certified public accountant, the actuary, and the investment advisors for the fund.

(b) The board shall establish rules and regulations necessary for the administration of the fund.

(c) The board shall hear appeals from the commissioner's decisions.

(d) The board may authorize a cost-of-living increase for any benefit provided in the pension system. If benefits are increased, the board may require an increase in governing body's contributions to maintain the actuarial soundness of the fund.

(e) The board shall give notice and hold a hearing before authorizing a cost-of-living increase in benefits.

(f) Any cost-of-living increase in benefits is effective after approval by the Legislature by concurrent resolution.

Sec. 22. LOCAL BOARD OF TRUSTEES. (a) The local board of trustees is composed of the following:

(1) one representative selected by the governing body;

(2) five members of the local fire department chosen by a majority of fire fighters in qualified service; and

(3) two tax-paying voters who are chosen by the other members of the board.

(b) The local board shall elect a chairman from the members at the first meeting.

(c) Trustees serve two-year terms.

(d) On the first local board, the fire department representatives shall serve staggered terms. The fire department representatives shall draw by lot at the first board meeting to determine the length of term to be served. Three representatives shall serve two-year terms and two representatives shall serve one-year terms. The first appointments of the tax-paying or citizen representatives shall be one appointed for a two-year term and one appointed for a one-year term. Thereafter, all appointments are for two-year terms.

(e) If a vacancy occurs on the board, it is filled for the remainder of the unexpired term by the procedure by which the position was originally filled.

(f) A majority of board members constitutes a quorum.

(g) A board decision is made by majority vote of all members present. The vote must be recorded in the minutes of board meetings.

(h) No member of the local board may receive compensation for service as a trustee.

Sec. 23. DUTIES OF THE LOCAL BOARD OF TRUSTEES. (a) The local board of trustees shall collect all governing body contributions at least semi-annually and send the contributions to the commissioner.

(b) The local board shall hear and decide all claims for benefits according to the procedures in Section 7 of this Act.

(c) The board shall mail a copy of a decision on a claim to the parties involved and to the commissioner.

(d) The board shall keep complete records of all claims and proceedings.

(e) The local board shall require a fire fighter who is receiving temporary disability benefits to file a disability rating report from a physician every three months. The board may choose the physician. When the reports indicate a significant change of condition, the local board, after notice and a hearing, must enter an order to modify or terminate benefit payments. The order is sent to the commissioner. If the board terminates benefits, the fire fighter is presumed able to resume fire-fighting duties.

Sec. 24. CERTIFICATION OF THE FUND. The commissioner and state board of trustees shall certify the actuarial and financial soundness of the fund every two years. The state board shall employ a qualified actuary and a certified public accountant to assist in the required certification.

Sec. 25. ACT NOT TO REPEAL STATUTORY AUTHORITY. This Act does not repeal the statutory authority for any existing or current pension plan. This Act is intended to provide a pension system and death and disability benefits for fire fighters who serve without monetary remuneration. The provisions of this Act are not to be interpreted to affect fully paid fire fighters or their pension systems in any way.

Sec. 26. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative

public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Adams moved to concur in the House amendment.

The motion prevailed.

COMMITTEE SUBSTITUTE HOUSE BILL 612 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 612, Amending the following sections of the Texas Education Code, as amended, relating to the Teacher Retirement System of Texas, vis.: Section 3.02; Section 3.03; Section 3.05; Section 3.21; Section 3.23; Section 3.26; Section 3.31; Section 3.32; Section 3.33; Section 3.34; Section 3.35; Section 3.51; Section 3.53; Section 3.54; Section 3.57; Section 3.60; also amending Subsections (a) and (e) of Section 3.22; Subsections (a), (b), and (c) of Section 3.25; Subsection (f) and (g) of Section 3.36; Subsection (b) of Section 3.55; Subsection (a) of Section 3.58; and Subsection (d) of Section 3.59, of the Texas Education Code; further amending the Texas Education Code by adding thereto a new Section 3.27, providing for purchase of credit in the Teacher Retirement System for developmental leave; further amending the Texas Education Code by adding to Section 3.38 a new subsection designated as Subsection (g) and providing for increases in the monthly benefits payable by the Teacher Retirement System to retired members or their beneficiaries, to members retired on a disability, and to beneficiaries of deceased members, which benefits are payable by reason of retirement or death of a member prior to May 31, 1977, and stating the conditions upon which increases in such benefits shall be payable; and also amending Section 3.38 of the Texas Education Code by adding thereto a new Subsection (h), providing increased minimum benefits for certain retired and deceased auxiliary employees and their beneficiaries and for persons retired on disability; authorizing an appropriation to finance benefit increases; making an appropriation; setting the effective date for delinquent deposit fees of certain members; and declaring an emergency.

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend **C.S.H.B. 612** by inserting a new Section 27 and renumbering subsequent sections accordingly. The new Section 27 reads as follows:

"Section 27. Should this act become effective at a date later than May 31, 1977, the retirement benefits payable on or after such later effective date to persons who retired on May 31, 1977 or thereafter shall be recalculated as if the member had retired under the provisions of Chapter 3 of the Texas Education Code as amended by this Act. Should this Act become effective on a date later than June 30, 1977, the increases in monthly benefits provided for persons in Section 16 of this Act shall become effective with the first monthly payment due on or after such effective date."

The amendment was read and was adopted.

Senator Adams offered the following amendment to the bill:

Amend **C.S.H.B. 612** by including the following sections and renumbering present sections accordingly:

Section 23. Section 16.056, Texas Education Code, as amended, is amended by adding Subsection (f) to read as follows:

"(f) In determining the placement of distributive education teachers under the Texas Public Education Compensation Plan, a year of approved work experience shall be considered equivalent to a year of teaching experience."

Section 24. Chapter 3, Texas Education Code, as amended, is amended by adding Section 3.28 to read as follows:

"Sec. 3.28. **PURCHASE OF CREDIT BY DISTRIBUTIVE EDUCATION TEACHERS.** (a) A person employed as a distributive education teacher by a public school may purchase membership service credit under the retirement system for each year of approved work experience recognized by the Central Education Agency for salary increment purposes.

"(b) For each year of membership service credit desired for prior work experience, the member must deposit to the individual account with the retirement system 12 percent of the annual compensation received under the Texas Public Education Compensation Plan during the first year of employment as a teacher in the public schools, plus 5 percent interest on the deposit for each year between the date the work experience was earned and the date the deposit is made.

"(c) For each year that deposits are made, the member shall be granted one year's membership service credit. Not more than 10 years' total credit may be purchased under the provisions of this section.

"(d) All deposits shall be credited, pending retirement, to the member's individual account in the member's savings account."

Section 25. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Aikin and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 612 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 612** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1101 WITH HOUSE AMENDMENT

Senator Jones of Taylor called **S.B. 1101** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 1101**, Section 1, Page 2, line 25 by adding the figures and words "10 point or larger" between the words "in" and "prominent".

The amendment was read.

Senator Jones of Taylor moved to concur in the House amendment.

The motion prevailed.

RECORD OF VOTES

Senators Patman, Truan, Mauzy, Hance and Sherman asked to be recorded as voting "Nay" on the motion to concur in the House amendment.

SENATE BILL 887 ON SECOND READING

The President laid before the Senate as unfinished business (the bill having been read second time on Wednesday, May 17, 1977):

S.B. 887, Relating to public access to certain information in the custody of the Consumer Credit Commissioner; amending Article 3.11, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-3.11, Vernon's Texas Civil Statutes).

Question - Shall the bill be passed to engrossment?

The bill was passed to engrossment by the following vote: Yeas 17, Nays 13.

Yeas: Adams, Andujar, Brooks, Clower, Doggett, Farabee, Jones of Harris, Jones of Taylor, Mauzy, Meier, Ogg, Parker, Patman, Schwartz, Sherman, Snelson, Truan.

Nays: Aikin, Braecklein, Creighton, Hance, Harris, Kothmann, Lombardino, Longoria, McKnight, Mengden, Moore, Santiesteban, Williams.

Absent: Traeger.

COMMITTEE SUBSTITUTE SENATE BILL 944 ON THIRD READING

Senator Harris moved to suspend the regular order of business to take up for consideration on its third reading and final passage:

C.S.S.B. 944, Amending Article 1.07(b), Chapter 1, Title 79, Revised Civil Statutes of Texas, 1925 (Article 5069-1.07(b), Vernon's Texas Civil Statutes), fixing maximum rates of interest for certain loans or other extensions of credit of \$100,000 or more; containing a savings clause; providing for prospective application of this Act; and declaring an emergency.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Mauzy, Patman, Truan.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Patman, Mauzy, Sherman and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 405 ON THIRD READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration on its third reading and final passage:

S.B. 405, Relating to the compensation of certain peace officers for court appearances.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

By unanimous consent, Senator Parker offered the following amendment to the bill:

Amend **S.B. 405** as follows:

(1) Strike present subsection (b) and add the following new subsection (b):
"A county shall compensate a deputy constable employed by the county for an appearance, made when the officer is off duty, as a witness in a criminal suit or in a civil suit in which the county or other governmental entity is a party."

(2) On lines 16-17, strike the following:

"or peace officer employed by the department."

(3) In place of the above deleted phrase add the following:

"or deputy constable employed by the county."

The amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was then finally passed.

MOTION TO PLACE SENATE BILL 630 ON SECOND READING

Senator Hance asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 630, Providing for nonvoting student and faculty representatives on the governing boards of institutions of higher education; amending Subchapter Z, Chapter 51, Texas Education Code, by adding Section 51.907; and declaring an emergency.

There was objection.

Senator Hance then moved to suspend the regular order of business and take up **S.B. 630** for consideration at this time.

The motion was lost by the following vote: Yeas 15, Nays 16.

Yeas: Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Longoria, Mauzy, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Truan.

Nays: Adams, Aikin, Andujar, Braecklein, Creighton, Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Snelson, Traeger, Williams.

COMMITTEE SUBSTITUTE SENATE BILL 717 ON SECOND READING

On motion of Senator Longoria and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 717, Relating to handicapped persons and rehabilitation districts; amending Subsections (1), (2), (3), and (5) and repealing Subsection (8) of Section 26.01, Texas Education Code, relating to the definitions of certain terms; revising Subchapter C, Chapter 26, Texas Education Code, relating to the board of directors and officers and administrative provisions; amending Section 26.64, Texas Education Code, relating to admission; amending Section 26.65, Texas Education Code, relating to exceptional children teacher units and administrative and instructional personnel; amending Section 26.66, Texas Education Code, relating to tuition and fees; adding Section 26.73 to the Texas Education Code, relating to the establishment of accreditation standards; and declaring an emergency.

The bill was read second time.

Senator Longoria offered the following amendment to the bill:

“(c) Notwithstanding any other provision in this chapter each campus in the rehabilitation district shall be eligible for one program director funded through the Minimum Foundation Program of the Central Education Agency.

The amendment was read and was adopted.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Longoria and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 717 ON THIRD READING

Senator Longoria moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 717** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 180 ON SECOND READING

Senator Mengden asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 180, A bill to be entitled An Act relating to the compensation of deputy sheriffs; amending Subsections (a) and (b), Section 1, Chapter 332, Acts of the 63rd Legislature, Regular Session, 1973 (Article 3912f-7, Vernon's Texas Civil Statutes).

There was objection.

Senator Mengden then moved to suspend the regular order of business and take up **S.B. 180** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Hance, Jones of Harris, Kothmann, Lombardino, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Farabee, Jones of Taylor, Meier.

Absent: Harris, Longoria.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Creighton, Longoria and Meier asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 180 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 180** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Farabee, Jones of Taylor, Meier.

Absent: Harris.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Farabee, Jones of Taylor, Meier.

Absent: Harris.

COMMITTEE SUBSTITUTE HOUSE BILL 117 ON THIRD READING

Senator Mauzy moved to suspend the regular order of business to take up for consideration on its third reading and final passage:

C.S.H.B. 117, Amending Subsection (a), Section 22, Texas Election Code, as amended.

The motion prevailed by the following vote: Yeas 23, Nays 5, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Farabee, Hance, Jones of Taylor, Mengden.

Present-Not Voting: Moore.

Absent: Harris, Parker.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(Senator Brooks in Chair)

HOUSE BILL 1883 ON THIRD READING

Senator Meier asked unanimous consent to suspend the regular order of business to take up for consideration on its third reading and final passage:

H.B. 1883, A bill to be entitled An Act relating to the interest rate on certain loans for oil and gas purposes; adding Subsection (c) to Article 1.07, Title 79, Revised Civil Statutes of Texas, 1925, as added (Article 5069-1.07, Vernon's Texas Civil Statutes).

There was objection.

Senator Meier then moved to suspend the regular order of business and take up **H.B. 1883** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Traeger, Williams.

Nays: Doggett, Mauzy, Patman, Schwartz, Sherman, Snelson, Truan.

Absent: Harris, Parker.

(President in Chair)

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Traeger, Williams.

Nays: Doggett, Hance, Mauzy, Patman, Schwartz, Sherman, Snelson, Truan.

RECESS

On motion of Senator Adams the Senate at 12:06 o'clock p.m. took recess until 12:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 12:30 o'clock p.m. and was called to order by Senator Jones of Harris.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Jones of Harris in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 32.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

S.B. 309 (Braecklein) Relating to the return of stolen property to the rightful owner when no criminal trial is pending. (31-0)(31-0)

C.S.S.B. 751 (Santiesteban) Relating to the payment of a civil penalty instead of suspension of an alcoholic beverage permit or license. (31-0)(31-0)

S.B. 1276 (Brooks) Relating to the anatomical board and regulation of recipients of certain anatomical donations. (31-0)(31-0)

S.B. 1321 (Jones of Harris) Relating to providing more expeditious procedures for local governments to make interlocal contracts and agreements concerning water supply and water disposal facilities. (31-0)(31-0)

S.B. 1327 (Patman) Relating to the county school administration of Fayette County. (31-0)(31-0)

S.C.R. 101 (Doggett) Granting Squire Johnson permission to sue the State of Texas. (vv)

S.C.R. 104 (Snelson) Authorizing the renewal of an interagency contract between the Legislative Council and the Commission for the Blind. (vv)

S.R. 673 (Parker) Creating a special subcommittee of the Intergovernmental Relations Committee to study housing problems for the poor and elderly. (vv)

H.B. 126 (Sherman) Relating to the maximum assessment rate for noxious weed control districts. (31-0)(31-0)

H.B. 305 (Brooks) Relating to contractors' performance and payment bonds and certain liens for contracts over a certain amount. (31-0)(31-0)

H.B. 344 (Jones of Harris) Relating to the possession and control of unkept or abandoned cemeteries located within a home-rule city in certain counties. (31-0)(31-0)

H.B. 467 (Truan) Relating to the taking of fish for sale from Lake Corpus Christi and part of the Nueces River and certain tributaries of the Nueces River. (31-0)(31-0)

H.B. 565 (Parker) Relating to funeral benefits payable under workmen's compensation; increasing the benefits from \$500 to \$1,250.00. (31-0)(31-0)

H.B. 589 (Adams) Relating to publication of notice of intent to apply for passage of a local or special law. (31-0)(31-0)

H.B. 625 (Adams) Relating to the lease of space for state agencies. (31-0)(31-0)

H.B. 669 (Moore) Relating to the sale or offer for sale in Grimes, Walker and Madison counties of the carcasses of certain fur-bearing animals at certain times. (31-0)(31-0)

H.B. 699 (Adams) Relating to the compensation of the auditor of Rusk County. (31-0)(31-0)

H.B. 783 (Snelson) Relating to county purchasing in times of emergency. (31-0)(31-0)

H.B. 830 (Hance) Relating to the compensation of the judge of the 121st Judicial District. (31-0)(31-0)

H.B. 883 (Snelson) Relating to the annexation of a municipally-owned reservoir. (31-0)(31-0)

H.B. 899 (Kothmann) Relating to the imposition of fines on funeral homes, funeral directors, morticians, and embalmers for unlawful practices. (31-0)(31-0)

H.B. 901 (Sherman) Relating to the licensing of licensed state land surveyors as defined in this Act and the creation of the Board of Examiners of Licensed State Land Surveyors. (31-0)(31-0)

H.B. 940 (Jones of Harris) Relating to audits, reports, and actuarial studies of certain public retirement systems. (31-0)(31-0)

H.B. 944 (Truan) Relating to the establishment of the University System of South Texas. (31-0)(31-0)

H.B. 961 (Jones of Harris) Relating to the authority of the Board of Regents of the University of Houston to levy and collect a fee for the operation of university centers. (31-0)(31-0)

H.B. 975 (Schwartz) Relating to noncommercial fishing licenses. (31-0)(31-0)

H.B. 1022 (Adams) Relating to the salary of the judge of the County Court at Law of Angelina County. (31-0)(31-0)

H.B. 1026 (Adams) Relating to the exclusion of certain persons transporting Cornish hens or commercial broilers from the Railroad Commission's jurisdiction over motor carriers. (31-0)(31-0)

H.B. 1128 (Snelson) Relating to the rate of interest that certain agricultural credit corporations may charge. (30-1) Patman "Nay" (30-1) Patman "Nay"

H.B. 1150 (Sherman) Relating to the disposition of assets of a water district dissolved by the Texas Water Rights Commission. (31-0)(31-0)

H.B. 1152 (Schwartz) Relating to the authority of certain judges in each of the counties of Brazoria, Fort Bend, Matagorda, and Wharton to create a child support office and prescribe its duties and to require the payment of a service fee to meet certain expenses of the child support office. (31-0)(31-0)

H.B. 1184 (Adams) Relating to the designation of an allergy on the reverse side of a license to operate a motor vehicle. (31-0)(31-0)

H.B. 1203 (Harris) Relating to ad valorem taxation of certain private leaseholds in publicly owned property. (31-0)(31-0)

H.B. 1322 (Braecklein) Relating to payment of room and board by county jail prisoners on work furlough. (31-0)(31-0)

H.B. 1399 (Creighton) Relating to the date on which hunting and fishing licenses expire. (31-0)(31-0)

H.B. 1448 (Mauzy) Relating to the manufacture of braille materials. (31-0)(31-0)

H.B. 1491 (Doggett) Relating to retail installment transactions. (31-0)(31-0)

H.B. 1741 (Hance) Relating to the power of counties to own, operate, and maintain public cemeteries. (31-0)(31-0)

H.B. 1760 (Traeger) Relating to the seizure and destruction of certain electricity-producing devices used to take fish in violation of the law. (31-0)(31-0)

C.S.H.B. 1808 (Jones of Harris) Relating to authorizing the Texas Board of Corrections to convey certain state-owned land in Fort Bend County in exchange for certain other land. (31-0)(31-0)

H.B. 1836 (Harris) Relating to the extension of the period of time for the training and certification of certain persons who perform hair cleansing and scalp conditioning in beauty shops. (31-0)(31-0)

H.B. 1846 (Doggett) Relating to the fee charged by the Texas Department of Health Resources for a delayed certificate of birth. (31-0)(31-0)

C.S.H.B. 1856 (Clower) Relating to the executing process in suits to enforce the collection of delinquent taxes. (31-0)(31-0)

H.B. 1945 (Creighton) Relating to the creation of the Somervell County Juvenile Board. (31-0)(31-0)

H.B. 1972 (Ogg) Relating to residence requirements for city health officers in certain counties. (31-0)(31-0)

H.B. 1994 (Adams) Relating to the authority of the governing boards of institutions of higher education to promulgate rules and regulations providing for the disposition of abandoned and unclaimed personal property coming into the possession of the campus security personnel. (31-0)(31-0)

H.B. 2079 (McKnight) Relating to the investment of certain monies in the Federal Revenue Sharing Trust Fund. (31-0)(31-0)

H.B. 2080 (McKnight) Relating to the sales and use tax exemption of certain religious, educational, charitable, or eleemosynary organizations. (30-1) Mauzy "Nay" (30-1) Mauzy "Nay"

H.B. 2104 (Hance) Relating to municipal annexation. (31-0)(31-0)

H.B. 2115 (Hance) Relating to surveys and inspections of health care facilities, providing that hospitals, nursing homes, and other health care facilities shall not be subjected to duplicative surveys and inspections by state agencies. (31-0)(31-0)

C.S.H.B. 2129 (Hance) Relating to the extent that natural gas suppliers are required to maintain natural gas service to residential users or hospitals and similar uses vital to public health and safety including irrigation pumping and crop drying. (31-0)(31-0)

H.B. 2136 (Parker) Relating to the creation of a conservation and reclamation district to be known as the West Jefferson County Municipal Water District. (31-0)(31-0)

C.S.H.B. 2141 (Mauzy) Relating to the creation of the County Criminal Courts Nos. 6 and 7 of Dallas County. (31-0)(31-0)

C.S.H.B. 2142 (Mauzy) Relating to the creation of the County Court of Law No. 5 of Dallas County. (31-0)(31-0)

H.B. 2147 (Snelson) Relating to the creation of the County Court at Law of Reeves County. (31-0)(31-0)

H.B. 2151 (Schwartz) Relating to the creation of the Port O'Connor Municipal Utility District of Calhoun County. (31-0)(31-0)

H.B. 2153 (Moore) Relating to the taking of deer in Grimes County. (31-0)(31-0)

H.B. 2184 (Schwartz) Relating to the Calhoun County Navigation District. (31-0)(31-0)

H.B. 2187 (Moore) Relating to the applicability of the Uniform Wildlife Regulatory Act to the public water area of San Jacinto County. (31-0)(31-0)

H.B. 2202 (Truan) Relating to the compensation and travel expenses of commissioners of Refugio County Drainage District No. 1 of Refugio County. (31-0)(31-0)

H.B. 2206 (Moore) Relating to the applicability of the Uniform Wildlife Regulatory Act to the wildlife resources of Washington County. (31-0)(31-0)

H.B. 2212 (Creighton) Relating to the creation of the Aquilla Water Supply District. (31-0)(31-0)

H.B. 2217 (Hance) Relating to the membership of the Andrews County Juvenile Board. (31-0)(31-0)

H.C.R. 24 (Adams) Providing for the selection of the Poet Laureate of Texas. (vv)

H.C.R. 78 (Meier) Providing for a standard application form for state employment. (vv)

H.C.R. 90 (Lombardino) Granting James L. Thomas permission to sue the State of Texas. (vv)

H.C.R. 97 (Andujar) Designating an official state gem stone cut. (vv)

H.C.R. 106 (Lombardino) Granting Arthur E. Postel permission to sue the State of Texas. (vv)

H.C.R. 117 (Longoria) Granting Platoro Ltd. Corp. permission to sue the State of Texas. (vv)

H.C.R. 168 (Farabee) In memory of Mrs. Dorothy Fitzgerald. (vv)

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number and caption, as well as the vote on the suspension of Constitutional Three-Day Rule and final passage.)

S.B. 1311 (Truan) Relating to the creation of the Kleberg County Hospital District of Kleberg County. (31-0)(31-0)

Senator Truan offered the following committee amendment to the bill:

Amend S.B. No. 1311 as follows:

(1) On page 4, lines 14 through 16, strike "Successors shall be elected by vote of the qualified electors of the entire district for two-year terms" and substitute: "Successors for directors in Class One shall be elected from each of the

commissioner's precincts in the county with one director being elected by the electors in each commissioner's precinct and shall serve for terms of two years. Successors for directors in Class Two shall be elected by the electors of the entire district and shall serve for terms of two years".

(2) Add the following sentence at the end of Subsection (d), Section 4: "A director elected to fill a precinct position on the board must reside in the precinct from which he is elected."

(3) Add a new Section 6 to read as follows and renumber all subsequent sections:

Sec. 6. The board of directors may provide retirement benefits for employees of the district. The board may provide the benefits by establishing or administering a retirement program or by electing to participate in the Texas County and District Retirement System or in any other statewide retirement system in which the district is eligible to participate.

(4) Insert "(a)" before "The district" on page 13, line 27.

(5) Add the following paragraph at the end of the section that begins on page 13, line 27:

(b) If the board requires the relocation, raising, lowering, rerouting, or change in grade or alteration in the construction of any railroad, electric transmission, telegraph or telephone lines, conduits, poles, or facilities, or pipelines in the exercise of the power of eminent domain, all of the relocation, raising, lowering, rerouting, or changes in grade or alteration of construction due to the exercise of the power of eminent domain shall be at the sole expense of the district. The term "sole expense" means the actual cost of relocation, raising, lowering, rerouting, or change in grade or alteration of construction to provide comparable replacement without enhancement of facilities, after deducting the net salvage value derived from the old facility.

The committee amendment was read and was adopted.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 1319 (Sherman) Relating to the conveyance of certain property by the Board of Regents of West Texas State University to the Canyon Industrial Foundation. (31-0)(31-0)

Senator Sherman offered the following amendment to the bill:

Amend Senate Bill 1319 by inserting the following language at the end of Section 1:

"Before the board of regents may sell the land, they must obtain three independent appraisals on the value of the property. The sale price may not be less than the average of the three independent appraisals."

The amendment was read and was adopted.

On motion of Senator Sherman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1023 (Adams) Relating to the creation of the Angelina County Hospital District. (31-0)(31-0)

Senator Adams offered the following committee amendment to the bill:

Amend H.B. No. 1023 as follows:

(1) Amend Section 4 by striking all of Subsection (c) and substituting the following:

(c) At the time the creation of the district is approved and the returns of the election officially canvassed, the persons then serving as temporary directors shall become permanent directors of the district, shall execute the constitutional oath of office as such, and shall divide themselves into two classes: Class One, three persons, to serve until the first Saturday in April next following; Class Two, two persons, to serve until the first Saturday in April of the following year. Successors for directors in Class One shall be elected as follows: one successor shall be elected at-large from the district to serve a term of two years and to serve as chairman of the board of directors; two successors shall be elected from commissioner's precincts one and three to serve for terms of two years. Successors for directors in Class Two shall be elected from commissioner's precincts two and four for terms of two years. Each year on the first Saturday in April an election shall be held in the district to elect the appropriate number of directors. Notice of the directors election shall be published in a newspaper or newspapers which individually or collectively provide general circulation in the district one time at least 60 days before the date of the election. Any person desiring to have his name printed on the ballot as a candidate for director shall file with the county judge of the county in which the district is located a petition signed by at least 10 electors asking that his name be printed on the ballot. The petition shall be filed with the county judge at least 30 days before the date of the election. Vacancies in office shall be filled for the unexpired term by majority vote of the remainder of the board of directors.

The committee amendment was read and was adopted.

Senator Adams offered the following committee amendment to the bill:

Amend **H.B. 1023** by designating existing Section 14 as Section 14, Subsection (a) and by adding a new subsection (b) to Section 14 as follows:

"Sec. 14.

"(b) If the district requires the relocation, raising, lowering, rerouting, or change in grade or alteration in the construction of any railroad, electric transmission, telegraph or telephone lines, conduits, poles, properties, or facilities, or pipelines in the exercise of the power of eminent domain or any other power, all of the relocation, raising, lowering, rerouting or changes in grade or alteration of construction shall be the sole expense of the board. The term 'sole expense' means the actual cost of relocation, raising, lowering, rerouting, or change in grade or alteration of construction to provide comparable replacement without enhancement of facilities, after deducting the net salvage value derived from the old facility."

The committee amendment was read and was adopted.

On motion of Senator Adams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1033 (Meier) Relating to the payment of the salary of criminal district attorneys in certain counties. (31-0)(31-0)

Senator Meier offered the following committee amendment to the bill:

Amend **H.B. 1033** by inserting after the word "shall" and before the word "pay" on line 3 of page 3, the following:

"at the option of the Criminal District Attorney"

The committee amendment was read and was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1194 (Traeger) Relating to the creation of certain game sanctuaries and the use and possession of certain weapons in those sanctuaries. (31-0)(31-0)

Senator Traeger offered the following committee amendment to the bill:

Amend H.B. No. 1194, First Printing, by renumbering quoted Sections 82.711, 82.712, and 82.713 in Subchapter K of Chapter 82, Parks and Wildlife Code (page 2, lines 8, 11 and 24) as Sections 82.721, 82.722, 82.723.

The committee amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1424 (Truan) Relating to the compensation of the judges of the County Court at Law No. 1, No. 2, and No. 3, and the Court of Domestic Relations, all of Nueces County. (31-0)(31-0)

Senator Truan offered the following committee amendment to the bill:

Amend H.B. No. 1424 by striking the word "shall" in the first sentence of quoted subsection (e) of Section 3 and substituting in lieu thereof the word "may"

The committee amendment was read and was adopted.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1519 (Snelson) Relating to the creation of the County Court at Law of Midland County. (31-0)(31-0)

Senator Snelson offered the following committee amendment to the bill:

Amend H.B. No. 1519 as follows:

(1) strike Section 1 and insert the following:

Section 1. The County Court at Law of Midland County is created on the date determined by the provisions of Section 10a of this Act.

(2) add Section 10a to read as follows:

Sec. 10a. The County Court at Law of Midland County is created on January 1, 1980, or on an earlier date determined by the Commissioners Court of Midland County by an order entered in its minutes, finding and determining that the conditions of the dockets of the district courts serving Midland County require the creation of the county court at law to properly dispose of cases arising in Midland County. In determining the need of a county court at law, the commissioners court may submit the question in a non-binding referendum to the voters of Midland County at any countywide general election or special election called for that purpose.

The committee amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1898 (Sherman) Relating to the responsibility of a veterinarian toward animals in his care. (31-0)(31-0)

Senator Sherman offered the following committee amendment to the bill:

Amend House Bill 1898 by striking subsection (a) of Section 1 and substituting in lieu thereof the following:

“(a) Unless otherwise provided by contract between a veterinarian and his client, a veterinarian may dispose of any animal abandoned in his care if he gives notice of his intention to do so by certified mail sent to the last known address of the client. The veterinarian must allow the client 12 days from the mailing of the certified mail in which to retrieve the animal.”

The committee amendment was read and was adopted.

On motion of Senator Sherman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1990 (Meier) Relating to the promotion of industrial development and employment by certain political subdivisions of the State of Texas. (30-1) Mauzy “Nay” (30-1) Mauzy “Nay”

Senator Meier offered the following committee amendment to the bill:

Amend **H.B. 1990**, Section 7, Page 10 at Line 6 by replacing the period after the word “Act” with a comma and adding the following:

“and compliance with The Securities Act, (Article 581, V.A.C.S.)”.

The committee amendment was read and was adopted.

Senator Meier offered the following committee amendment to the bill:

Amend **H.B. 1990**, Section 14, Page 15 at Line 3 by placing a period after the word “Code” and striking the remainder of Lines 3, 4, 5, and 6.

The committee amendment was read and was adopted.

Senator Meier offered the following committee amendment to the bill:

Amend **H.B. 1990**, Section 5 at Line 25, Page 4 by replacing the period after the word "agreement" with a comma and adding the following:

"and the securities shall not be offered for sale until the issuer has complied with the requirements of The Securities Act, (Article 581, V.A.C.S.)."

The committee amendment was read and was adopted.

Senator Meier offered the following committee amendment to the bill:

Amend **H.B. 1990** at Section 18 Line 4 by striking the words "**H.J.R. No. 101** or"

The committee amendment was read and was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 2190 (Andujar) Relating to the minimum time required to complete a course of study in programs which prepare professional nurse practitioners. (31-0)(31-0)

Senator Andujar offered the following committee amendment to the bill:

Amend **H.B. No. 2190** on page 2, line 5, by striking "reasonableness" and substituting "unreasonableness".

The committee amendment was read and was adopted.

On motion of Senator Andujar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

BILL REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

The following bill was removed from the Local and Uncontested Bills Calendar:

Bill No.	Senators Objecting
C.S.H.B. 1602	Andujar, Creighton, Meier

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Jones of Harris in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

MESSAGE FROM THE HOUSE

House Chamber
May 20, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 949, Relating to the retirement allowance of judges of this state while assigned to a court or serving as a commissioner to the court of criminal appeals; amending Sections 7 and 8b and Subsection (a) of Section 7A, Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 981, Relating to the power of a beach park board of trustees regarding the acquisition, financing, and improvement of recreational facilities; amending Section 7, Chapter 20, Acts of the 61st Legislature, 2nd Called Session, 1969 (Article 5415d-3, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 893, Relating to the practice of dentistry; amending Chapter 566, Acts of the 64th Legislature, Regular Session, 1975 (Codified as Vernon's Annotated Civil Statutes of Texas, Article 4551a); repealing all laws in conflict; providing for severability; and declaring an emergency.

S.B. 894, Relating to changing the names of the Texas Board of Health Resources and the Texas Department of Health Resources and the title of the Director of Health Resources, meeting places of the board, and the rulemaking power of the board; amending Sections 1-5, 8, 10, and 10A, Chapter 42, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Articles 4414a-4418a, 4418d, 4418f, and 4418g, Vernon's Texas Civil Statutes).

S.B. 565, Relating to dentists and the regulation of the practice of dentistry; amending Title 71, Chapter 9, Vernon's Ann. Civ. St., as amended, by adding thereto two new articles to be known and designated as Articles 4551i and 4551j; providing for the repeal of laws in conflict with this Act; providing for severability; and, declaring an emergency.

S.B. 667, Amending Article 2 of Subchapter IV, Texas Banking Code of 1943, as amended, (Article 342-402, Vernon's Texas Civil Statutes), relating to voting rights of a state bank in its own stock held in a fiduciary capacity; and declaring an emergency.

S.B. 726, Relating to the prevention, eradication and control of tuberculosis; amending Sections 4 and 5 and repealing Section 8, Chapter 51, Acts of the 59th Legislature, 1965 (Article 4477-12, Vernon's Texas Civil Statutes).

S.B. 779, Relating to supervision of dental hygienists and provision of dental hygiene advice to the Board of Dental Examiners; amending Section 3 of, and adding Section 4A to, Chapter 475, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 4551e, Vernon's Texas Civil Statutes).

S.B. 784, Relating to suit for the recovery of debts by a foreign executor or administrator; amending the Texas Probate Code, as amended, by adding Section 107A.

S.B. 1017, Relating to the membership of the juvenile boards in the 81st Judicial District and the compensation of the members; amending Section 1, Chapter 463, Acts of the 56th Legislature, Regular Session, 1959 (Article 5139H-4, Vernon's Texas Civil Statutes).

S.B. 1053, Relating to the fee that may be charged for the issuance of a duplicate boat registration decal; amending Section 31.030, Parks and Wildlife Code.

S.B. 1059, Relating to venue in a prosecution for rape; amending Article 13.15, Code of Criminal Procedure, 1965, as amended.

S.B. 1160, Relating to the filing of financial statements with the secretary of state by candidates for certain offices; amending Subsection (d), Section 3, Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9(b), Vernon's Texas Civil Statutes), and declaring an emergency.

S.B. 1195, Relating to the right of river authorities to obtain legal opinions from the attorney general; amending Article 4399, Revised Civil Statutes of Texas, 1925.

S.B. 61, A bill to be entitled An Act relating to a requirement that a probationer reimburse the county in which he was prosecuted for compensation paid an appointed counsel; amending Section 6, Article 42.12, and Subsection (b) of Section 5, Article 42.13, Code of Criminal Procedure, 1965, as amended.

S.B. 200, A bill to be entitled An Act relating to immunity for witnesses before the legislature; amending Section 13 of the Legislative Reorganization Act of 1961, as amended (Article 5429f, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 485, Relating to the authority of a guardian to make certain investments; amending Subsection (a), Section 389A, Texas Probate Code, as amended.

S.B. 718, Relating to membership, compensation, and authority of the Liberty County Juvenile Board; amending Chapter 209, Acts of the 56th Legislature, Regular Session, 1959 (Article 5139BB, Vernon's Texas Civil Statutes).

S.B. 969, Amending Acts 1963, 58th Legislature, Regular Session, Chapter 101 and Acts 1973, 63rd Legislature, Regular Session, Chapter 164 (compiled as Article 8280-280, Vernon's Texas Civil Statutes, as amended) by adding a new Section 20 providing that territory may be added to the Clear Lake City Water Authority in the manner provided in Sections 54.711 through 54.727 of Chapter 54, Water Code; finding and declaring compliance with the Constitution, laws, rules and procedures relative to notice, introduction and passage of this Act; and declaring an emergency.

S.B. 1229, An Act relating to the governor's approval of travel by certain Industrial Commission personnel; amending Section 5, Travel Regulations Act of 1959, as amended (Article 6823a, Vernon's Texas Civil Statutes).

S.B. 1252, Amending Chapter 304, Acts of the 50th Legislature of the State of Texas, Regular Session, 1947, as amended (Article 6795b-1, Vernon's Revised Civil Statutes of Texas, as amended), relating to the construction and operation of causeways, bridges, tunnels, turnpikes and roads by counties bordering on the Gulf of Mexico and having a population of 50,000 or more, according to the last Federal Census; amending Section 1 to provide coverage to counties bordering on any bay or inlet opening into the Gulf of Mexico, to expand the definition of "project" to include turnpikes and highways and necessary overpasses, underpasses, interchanges, entrance plazas and service stations and to allow for public or private sale of such bonds on terms determined by Commissioners Court to be in the best interests of the county; amending Section 2 and adding a new Section 2a to provide that counties bordering on the Gulf of Mexico and having a population in excess of 1,000,000 according to the last Federal Census, may, without an election, issue bonds secured by a pledge of and payable from an ad valorem tax levied pursuant to Article 8, Section 9 of the Constitution in order to acquire right-of-way for a project and to pay certain preliminary costs of the project; adding a new Section 5(b) to provide that projects may be operated by an operating board appointed pursuant to the resolution or order providing for the issuance of bonds or the trust indenture securing the same; enacting other provisions related to the subject; and declaring an emergency. (With amendment)

S.B. 468, Relating to the appointment of a municipal court judge to serve temporarily; amending Chapter 16, Title 28, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 1199a. (With amendment)

S.B. 1102, Relating to the holding of real estate by a non-profit corporation; amending Article 2.02, Texas Non-Profit Corporation Act (Article 1396-2.02, Vernon's Texas Civil Statutes); amending Articles 4.01 and 4.02, Texas Miscellaneous Corporation Laws Act (Articles 1302-4.01 and 1302-4.02, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

S.B. 1079, Relating to election of commissioners and annexation of territory in self-liquidating navigation districts; amending Sections 63.089 and 63.090, Water Code; adding Subchapter 1 to Chapter 63, Water Code, as amended. (With amendment)

S.B. 1055, Relating to the fee that may be charged for the issuance of a certificate of title for a motorboat for outboard motor; amending Subsection (k), Section 5, of the Water Safety Act, as amended. (With amendment)

S.B. 977, Relating to legal representation of the State Department of Public Welfare in certain cases; amending Chapter 11, Family Code, as amended, by adding Section 11.20. (With amendment)

S.B. 974, Relating to the exclusion of land added to water control and improvement districts; amending the Water Code, as amended, by adding Sections 51.737-51.747. (With amendment)

S.B. 1143, An Act to provide express statutory authority for political subdivisions to finance, construct, complete, acquire or operate facilities jointly, prescribing the manner for treatment of the cost thereof and the payment of contractual obligations; validating certain existing agreements, providing a severance clause, and declaring an emergency. (With amendment)

S.B. 1188, An Act relating to the creation, establishment, administration, maintenance, operation, and financing of Wilson County Memorial Hospital District of Wilson County, Texas, by authority of Article IX, Section 9, of the Texas Constitution. (With amendment)

S.B. 792, Amending Chapter 127, Acts of the Regular Session of the 60th Legislature, as amended (Article 6228g, Vernon's Texas Civil Stats., establishing and governing the Texas County and District Retirement System) as follows: amending subsections 16, 20, 21, 26 and 27 of Section II of said Act; amending subsection 1(c) and subsection 2 of Section IV of said Act; amending Section V of said Act; amending subsections 5, 7, 9, 10 and 11 of Section VI of said Act; further amending Section VI of said Act by adding an additional subsection to be designated as subsection 13, to provide that a participating subdivision under stated conditions may elect to cause benefit credits of non-retired members, and future payments of existing benefits that were originally calculated on less than full salary of the member, to be recalculated and allowed on a full-salary basis; amending Section VII of said Act; amending subsection 2 of Section VIII of said Act; amending subsections 5, 9, and 12 of Section X of said Act; amending subsection 6 of Section 11A of said Act; providing that this Act shall take effect January 1, 1978; declaring the act to be severable; and declaring an emergency. (With amendment)

S.B. 707, Relating to the qualifications and disqualifications of elections judges, clerks and watchers, and certain executive committee members; amending Section 17, Texas Election Code (Article 3.03, Vernon's Texas Election Code); amending Subdivision 1 and Subdivision 3, Section 18, Texas Election Code (Article 3.04, Vernon's Texas Election Code). (With amendment)

S.B. 626, Relating to the exemption from ad valorem taxation of properties dedicated to the preservation of wildlife and the conservation of wildlife areas, owned by non-profit organizations devoted to such purposes; amending Article 7150, Title 122, Taxation, Revised Civil Statutes of Texas, 1925, as amended by amending Sections 22 and 22a; and declaring an emergency. (With amendment)

S.B. 186, A bill to be entitled An Act relating to individuals, associations, and corporations doing business under an assumed name and a penalty for a violation; amending Articles 5924, 5924(a), 5926, and 5927b, Revised Civil Statutes of Texas, 1925; repealing Articles 5924.1, 5925, 5925a, 5927, and 5927a, Revised Civil Statutes of Texas, 1925. (With amendments)

S.B. 398, Relating to the number of instructors a private beauty culture school is required to have on its staff; amending Section 27, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes). (With amendment)

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

RECESS

On motion of Senator Hance the Senate at 1:42 o'clock p.m. took recess until 2:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

House Chamber
May 20, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All Necessary Rules Suspended, and the Conference Committee Report on House Bill No. 1743 Adopted by a Non Record Vote.

H.B. 2081, A bill to be entitled An Act relating to the regulation and certification of landscape architects and landscape irrigators; amending Chapter 457, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 249c, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 2036, A bill to be entitled An Act relating to the denial, suspension, or cancellation of an alcoholic beverage license or permit for delinquency in the state or local sales tax or failure to qualify for a sales tax permit; amending the Texas Liquor Control Act, as amended, by adding Section 11b to Article I (Article 666-1, et seq., Vernon's Texas Penal Auxiliary Laws) and Section 5G to Article II (Article 667-1, et seq., Vernon's Texas Penal Auxiliary Laws).

H.B. 1396, A bill to be entitled An Act relating to peace officers' required probationary period and training before certification; amending Subsection (b), Section 6, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes).

H.B. 2194, A bill to be entitled An Act relating to the disposition of surplus state property; adding Section 12 to Article 666, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 2228, A bill to be entitled An Act granting the power of eminent domain to the board of regents of The Texas A&M University System to acquire certain property for the Texas Forest Service; adding Section 88.1101 to the Texas Education Code, as amended.

S.B. No. 850, An Act relating to the issuance of voter registration certificates. (With amendments)

S.B. No. 577, An Act directing the Natural Resources Council to report to the Governor on coastal problems; designating the Governor to represent the State of Texas in discussions with the federal government with regard to questions of consistency under Section 307 of the Coastal Zone Management Act of 1972; repealing all expressly conflicting laws; and declaring an emergency. (With amendments)

S.B. No. 576, An Act creating the Natural Resources Council; naming its members; granting it powers; assigning it duties; granting the Governor powers; creating an advisory committee; repealing all expressly conflicting laws; and declaring an emergency. (With amendments)

H.B. 2254, A bill to be entitled An Act relating to the definition of waste of natural gas and the limitation of the escape of natural gas; amending Sections 3 and 7, Article 6008, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 869, A bill to be entitled An Act relating to the validation of the acts and proceedings of school districts and water districts; and declaring an emergency.

H.B. 641, A bill to be entitled An Act relating to parking fees and penalties for certain vehicles operated by or for permanently disabled persons; amending Section 6, Chapter 338, Acts of the 64th Legislature, Regular Session, 1975 (Article 6675a-5e.1, Vernon's Texas Civil Statutes).

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

H.B. 1140

MOTION TO PLACE COMMITTEE SUBSTITUTE HOUSE BILL 750 ON SECOND READING

Senator Mauzy moved to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 750, Relating to public school education; amending various provisions of the Texas Education Code, as amended, as follows: amending Section 16.056, relating to salaries of school personnel; amending Section 16.151, relating to the operating cost allotment to school districts; amending Section 16.206(c), (g), (h), and (i), relating to the allotment to school districts for transportation services; amending Section 16.102, relating to the personnel unit allotments; amending Sections 16.104, 11.052, and 11.10(o), (q), (s), and (t) and adding Section 11.103 relating to special education for handicapped children; amending Section 16.252, relating to each school district's share of the foundation school program cost; amending Section 16.254(d), relating to minimum foundation school program costs; amending Subchapter H, Chapter 16, relating to equalization aid for program enrichment; adding Section 11.36, relating to testing programs; amending Section 20.03, relating to property appraisals, assessment ratios, and tax rates of certain school districts; adding Section 20.52, relating to student fees; amending Sections 11.32 and 11.33 relating to regional service centers; amending and renumbering Section 21.911 relating to instructional television; and amending Sections 12.14, 12.15 and 12.18 and adding Subsections (c) and (d) to Section 12.01, relating to textbooks and instructional materials.

On motion of Senator Mauzy and by unanimous consent, the motion to suspend the regular order was withdrawn.

AT EASE

The President announced the Senate would stand At Ease until 3:25 o'clock p.m. today.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 3:25 o'clock p.m.

SENATE RESOLUTION 720

Senator Schwartz offered the following resolution:

S.R. 720, Requesting the Board of the South Texas Affiliate of the Diabetes Association to coordinate a study relating to the possibility of providing State funds for a state-wide referral and coordination system to deal with Diabetes Mellitus.

The resolution was read and was adopted.

HOUSE BILL 1441 ON SECOND READING

Senator Adams asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 1441, A bill to be entitled An Act relating to acquisition of banking institutions, bank holding companies and nonbanking institutions; amending The Texas Banking Code of 1943, as amended (Article 342-101 et seq., Vernon's Texas Civil Statutes), by amending Article 2 of Subchapter I and by adding Articles 12 and 13 to Subchapter IX.

There was objection.

Senator Adams then moved to suspend the regular order of business and take up **H.B. 1441** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy, Patman, Schwartz.

Absent: Brooks, Jones of Taylor, Mengden.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Question - Shall the bill be passed to third reading?

HOUSE BILL 1441 SET AS SPECIAL ORDER

On motion of Senator Adams and by unanimous consent, House Bill 1441 was set as Special Order at the conclusion of Morning Call on Monday, May 23, 1977.

HOUSE BILL 1442 ON SECOND READING

On motion of Senator Adams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1442, A bill to be entitled An Act relating to examination of affiliates of state banks; adding Article 8a to Subchapter II, The Texas Banking Code of 1943, as amended (Articles 342-201 et seq., Vernon's Texas Civil Statutes).

The bill was read second time.

Senator Adams offered the following amendment to the bill:

Amend H.B. No. 1442 by striking "18" on page 1, line 20, and inserting "12".

The amendment was read and was adopted.

On motion of Senator Adams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 1442 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1442** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 3.

Yeas: Adams, Aikin, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy, Patman, Schwartz.

Absent: Andujar, Jones of Taylor, Brooks.

HOUSE BILL 409 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 409, A bill to be entitled An Act relating to the responsibility of an incorporated city or town to defend and provide for the payment of certain claims against its peace officers and fire fighters; and declaring an emergency.

The bill was read second time.

Senator Brooks offered the following committee amendment to the bill:

Amend Section 1 of **H.B. 409** to read as follows:

“Section 1. Every incorporated city or town shall provide for insuring peace officers and fire fighters in its employ against liability to third persons arising out of the operation, maintenance, or use of any motor vehicle owned or leased by such city or town in the conduct of said officer’s official duties. ‘Motor vehicle’ means any motor vehicle for which motor vehicle automobile insurance is written under the provisions of Subchapter A, Chapter 5, Insurance Code, as amended.”

The committee amendment was read.

On motion of Senator Brooks and by unanimous consent, the committee amendment was withdrawn.

Senator Brooks offered the following amendment to the bill:

Amend **H.B. 409** by striking all below the enacting clause and substituting the following in lieu thereof:

“Section 1. (a) Every incorporated city or town shall provide for insuring peace officers and fire fighters in its employ against liability to third persons arising out of the operation, maintenance, or use of any motor vehicle owned or leased by such city or town.

“(b) Any incorporated city or town may elect to reimburse the actual cost of extended automobile liability insurance endorsements obtained by its peace officers and fire fighters on the individually-owned automobile liability insurance policies of such peace officers and fire fighters. Such extended endorsement shall be in amounts not less than those required under this Act and shall extend the coverage to include the operation and use of city vehicles by such peace officers or fire fighters in the scope of their employment. Provided, however, that any incorporated city or town which elects to use the reimbursement method authorized under this subsection may require that all peace officers and fire fighters who operate and use motor vehicles present proof that an extended coverage endorsement has been purchased and that such extended coverage is current.

“Sec. 2. Liability coverage provided pursuant to the requirements of this Act shall be in amounts not less than the amounts required by the Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon’s Texas Civil Statutes), to provide proof of financial responsibility.

"Sec. 3. 'Motor vehicle' means any motor vehicle for which motor vehicle automobile insurance is written under the provisions of Subchapter A, Chapter 5, Insurance Code, as amended.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended."

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 409 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 409** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Harris, Jones of Taylor.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE HOUSE BILL 1745 ON SECOND READING

On motion of Senator Longoria and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1745, Relating to regulation of dealers in vegetables and fruit grown in this state; amending Chapter 218, Acts of the 58th Legislature, 1963, as amended (Article 1287-3, Vernon's Texas Civil Statutes), by amending Sections 1(b), (d), and (j), 6, 7, 12(a), 14, 19, 20, and 21, and adding Sections 9a and 21a; amending Chapter 236, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 118b, Vernon's Texas Civil Statutes), by amending Sections 4, 6, 12, 14, 21, 22, 23, and 25, and adding Section 8a.

The bill was read second time and was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 1745 ON THIRD READING

Senator Longoria moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1745** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE HOUSE BILL 1560 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1560, Relating to administration and regulation of certain discharges by the Texas Water Quality Board; amending Sections 21.003, 21.036, 21.038, 21.064, 21.065, 21.094, 21.252, 21.253, 21.553, 21.556, Subsection (a) of Section 21.079, Subsections (b) and (c) of Section 21.081, and Section 22.011 of and adding Section 21.099 and Subsections (d) and (e) of Section 21.251 and Subsections (c), (d), and (e) of Section 21.552 to the Water Code, as amended; repealing Section 21.264, Water Code; providing penalties; and declaring an emergency.

The bill was read second time and was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 1560 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1560** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Jones of Harris, Jones of Taylor.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Hance and Patman asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 809 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 809, A bill to be entitled An Act relating to the creation of the constitutional office of Criminal District Attorney of Walker County; abolishing the office of County Attorney of Walker County; and conforming the jurisdiction of the District Attorney for the 12th Judicial District.

The bill was read second time and was passed to third reading.

HOUSE BILL 809 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 809 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Jones of Taylor.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 147 WITH HOUSE AMENDMENT

By unanimous consent, Senator Traeger called S.B. 147 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend S.B. 147 by adding a new Section 3 to read as follows and renumbering Section 3 to be Section 4:

Sec. 3. The Director of Health Resources or his designee shall certify persons as being qualified for the installation, exchange, servicing, and repair of residential water treatment facilities as defined by Section 2(g), The Plumbing License Law of 1947, as amended (Article 6243-101, Vernon's Texas Civil Statutes). The director or his designee shall set standards of qualifications to insure the public health and to protect the public from unqualified persons engaging in activities relating to water treatment. Nothing in this section shall be construed to require that persons licensed pursuant to The Plumbing License Law of 1947 are subject to certification under this section.

The amendment was read.

Senator Traeger moved to concur in the House amendment.

The motion prevailed.

RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the motion to concur in the House amendment.

SENATE BILL 190 WITH HOUSE AMENDMENT

By unanimous consent, Senator Traeger called S.B. 190 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for **S.B. 190**:

A BILL TO BE ENTITLED

AN ACT

amending Chapter 21 of the Insurance Code, Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, as amended, by adding a new article, to be known as Article 21.52, relating to the right to select a doctor of podiatric medicine to perform the services which fall within the scope of license of such doctor that are scheduled in a health or accident insurance policy, agreement, contract, or certificate; repealing laws or parts of laws in conflict herewith; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 21 of the Insurance Code, Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, as amended, is hereby amended by adding thereto a new Article, to be known as Article 21.52, which shall be and read as follows:

“Article 21.52. Right to select practitioner under health and accident policies.

“Section 1. Definitions. As used in this article:

“(a) ‘health insurance policy means any individual, group, blanket, or franchise insurance policy, insurance agreement, or group hospital service contract, providing benefits for medical or surgical expenses incurred as a result of an accident or sickness; and

“(b) ‘doctor of podiatric medicine’ includes D.P.M., podiatrist, doctor of surgical chiropody, D.S.C., and chiropodist.

“Sec. 2. Application of this Article. This Article applies to and embraces all insurance companies, associations and organizations, whether incorporated or not, which provide health benefits, accident benefits, or health and accident benefits for medical or surgical expenses incurred as a result of an accident or sickness. Without limiting the foregoing, this Article specifically applies to the insurance companies, associations and organizations which come within the purview of the following designated chapters of the Insurance Code; Chapter 3, pertaining to life, health and accident insurance companies; Chapter 8, pertaining to general casualty companies; Chapter 10, pertaining to fraternal benefit societies; Chapter 11, pertaining to mutual life insurance companies; Chapter 12, pertaining to local mutual aid associations; Chapter 13 and 14, pertaining to state-wide mutual assessment companies, mutual assessment companies and mutual assessment life, health and accident associations; Chapter 15, pertaining to mutual insurance companies writing other than life insurance; Chapter 18, pertaining to underwriters making insurance on the Lloyd’s Plan; Chapter 19, pertaining to reciprocal exchanges; and Chapter 22, pertaining to stipulated premium insurance companies. This article also applies to health maintenance organizations established pursuant to Chapter 214, Acts of the 64th Legislature, Regular Session, 1975 (codified as Arts. 20A.01-20A.34, Insurance Code), as now or hereafter amended.

“Sec. 3. Selection of Practitioners. Any person who is issued, who is a party to, or who is a beneficiary under any health insurance policy delivered, renewed, or issued for delivery in this State, more than 90 days after the effective date of this Act by any insurance company, association or organization to which this article applies may select a licensed doctor of podiatric medicine to perform the medical or surgical services or procedures scheduled in the policy which fall within the scope of the license of that doctor, and payment or reimbursement by the insurance company,

association or organization for those services or procedures in accordance with the payment schedule or the payment provisions in the policy shall not be denied because the same were performed by a licensed doctor of podiatric medicine. There shall not be any classification, differentiation, or other discrimination in the payment schedule or the payment provisions in a health insurance policy, nor in the amount or manner of payment or reimbursement thereunder, between scheduled services or procedures when performed by a doctor of podiatric medicine which fall within the scope of his license and the same services or procedures when performed by any other practitioner of the healing art whose services or procedures are covered by the policy. Any provision in a health insurance policy contrary to or in conflict with the provisions of this article shall, to the extent of the conflict, be void, but such invalidity shall not affect the validity of the other provisions of this policy. Any presently approved policy form containing any provision in conflict with the requirements of this Act may be brought into compliance with this Act by the use of riders and endorsements which have been approved by the State Board of Insurance.

"Sec. 4. Certain Exemptions not Applicable. The exemptions and exceptions in Articles 13.09 and 21.41 of the Insurance Code do not apply to this article."

Sec. 2. All laws or parts of laws in conflict with this Act are repealed to the extent of such conflict.

Sec. 3. The fact that there is a need to assure that persons having health and accident insurance may be paid or reimbursed for the services of doctors of podiatric medicine who perform services scheduled in the insurance policies which fall within the scope of their license creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Traeger moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Patman.

Absent: Jones of Taylor.

SENATE BILL 1183 WITH HOUSE AMENDMENTS

By unanimous consent, Senator Traeger called **S.B. 1183** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend Senate Bill 1183, Section 1, page 2, line 18 by deleting "...or the Central Education Agency." and substituting "the Central Education Agency, or the Coordinating Board, Texas College and University System."

Committee Amendment No. 2

Amend Senate Bill 1183, Section 2, page 3, line 18 by deleting "...or the Central Education Agency." and substituting "the Central Education Agency, or the Coordinating Board, Texas College and University System."

The amendments were read.

Senator Traeger moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 999 WITH HOUSE AMENDMENT

By unanimous consent, Senator Santiesteban called **S.B. 999** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 999** by deleting line 15 of said bill and substituting the following:

"and to consent to the transfer of such convicted offenders under the provisions of Article 4, Section 11 of the Constitution of the State of Texas."

And renumbering the subsequent lines of said bill accordingly.

The amendment was read.

Senator Santiesteban moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Jones of Taylor.

SENATE BILL 632 WITH HOUSE AMENDMENT

By unanimous consent, Senator Hance called **S.B. 632** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for S.B. No. 632:

A BILL TO BE ENTITLED**AN ACT**

relating to elections prior to issuance of certain weather modification permits and providing discipline and a penalty for certain acts; amending Section 14.061(a), Water Code, as amended; and adding Sections 14.0641 and 14.0911.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsection (a), Section 14.061, Water Code, as amended, is amended to read as follows:

"Sec. 14.061. **ISSUANCE OF PERMIT.** (a) The board, in accordance with its regulations, ~~and~~ upon a finding that the weather modification and control operation as proposed in the permit application will not significantly dissipate the clouds and prevent their natural course of developing rain in the area where the operation is to be conducted to the material detriment of persons or property in that area, and after approval at an election if covered by Section 14.0641 of this code, may issue a weather modification permit to each applicant who:

"(1) holds a valid weather modification license;

"(2) pays the permit fee;

"(3) publishes a notice of intention and submits proof of publication as required by this chapter; and

"(4) furnished proof of financial responsibility."

Sec. 2. Chapter 14, Water Code, is amended by adding Section 14.0641 to read as follows:

"Sec. 14.0641. ELECTION FOR APPROVAL OF A PERMIT THAT INCLUDES AUTHORIZATION FOR HAIL SUPPRESSION. (a) In this section:

"(1) 'Target area' means that area described by metes and bounds or other specific bounded description set out in the application for a permit.

"(2) 'Operational area' means that area that joins the target area which is reasonably necessary to use in order to effectuate the purposes over the target area without affecting the land or land owners in the operational area, but in no event to exceed eight (8) miles from the limits of the target area. The operational area shall be described by metes and bounds or other specific bounded description and shall be set out in the application for a permit.

"(b) No permit may be issued by the board before the end of the 30-day period immediately following the first publication of notice, and then only in those counties or parts of counties in the target area or operational area in which the majority of the qualified electors have not disapproved the issuance of a permit if an election has been held, or in any county or part of a county in the target area or operational area if no petition for an election has been filed.

"(c) Persons eligible to vote in elections held under this section shall include qualified voters in counties or parts of counties included in the target area or operational area. Where the target area or operational area includes only part of a county, an election held under this section may be held only in the election precincts which are included entirely within or are partially included in said areas. All qualified voters in such precincts shall be entitled to vote in these elections.

"(d) On written request of at least 25 qualified voters residing in the target area or operational area mentioned in the notice requesting an election accompanied by unsigned petitions, the County Clerk of each county within the target area or operational area shall certify and mark for identification petitions for circulation, and upon return to the county clerks of such petitions signed by at least 10% of the qualified voters residing in each county within the target area or operational area in the notice requesting an election the commissioner's court of each county shall call and hold an election. The petition must be filed with the Clerk of each county within 30 days immediately following the first publication of notice. The election shall be held within 21 days after the petition is received to determine whether or not the qualified voters in the target area or operational area approve the issuance of the permit. Immediately on calling the election, the Clerk of each county within the target area or operational area shall notify the board of the date of the election.

“(e) The petition for the election shall read substantially as follows: ‘The following qualified voters of _____ County request the Commissioners Court of _____ County to call an election at which the qualified voters shall be asked to vote on the proposition of whether or not they approve of the issuance of a weather modification permit that includes authorization for hail suppression (Description of area).’ Each qualified voter signing the petition shall give his full name and address and voter registration number. Within five days after receiving a petition under this section, the commissioners court shall have the county clerk of the county check the names on the petition against the voter registration lists of the county and certify to the commissioners court the number of qualified voters signing the petition as reflected by checking the county’s voter registration lists. If only a part of a county is included in the target area or operational area, the county clerk shall also certify that those signing the petition reside in an election precinct in the county totally or partially included in the target area or operational area. On certification by the county clerk, the petition shall be filed with the official records of the county and shall be available for public inspection.

“(f) A person filing a petition with the county judge shall deposit with the county judge an amount of money estimated by the county clerk to be sufficient to cover the costs of the election, to be held by the county judge until the result of the election to approve or disapprove the issuance of the permit is officially announced. If the result of the election is against the issuance of the permit, the county judge shall return the deposit to the person filing the petition or his agent or attorney, but if the result of the election favors the issuance of the permit, the county judge shall pay the cost and expenses of the election from the deposit and return the balance of the deposit to the person filing the petition or his agent or attorney.

“(g) The ballots for an election under this section shall be printed to provide for voting for or against the proposition: ‘The issuance of a permit providing for weather modification including authorization for hail suppression and control in (Description of area).’

“(h) The order calling the election shall provide for the time and place or places for holding the election, the form of the ballots, and the presiding judge for each voting place.

“(i) The commissioners court shall publish a copy of the election order in a newspaper of general circulation in the county or in the part of the county within the target area or operational area at least once before the seven-day period immediately preceding the day of the election. Absentee voting shall be conducted beginning the second day after the day of the publication of the election order as provided for elsewhere in this subsection, and continuing through the day immediately preceding the day of the election, the provisions of any other statute of this state notwithstanding.

“(j) The presiding judge of each voting place shall supervise the counting of all votes cast and shall certify the results to the commissioners court within five days after the election. A copy of the results are to be filed with the county clerk and become a public record.

“(k) Within five days after the results are filed, the commissioners court shall declare the results.

“(l) The commissioners court of each county holding an election shall send certified copies of the results of the election to the board within 24 hours after the results are declared under Subsection (j) of this section.

“(m) If a majority of the qualified voters voting in the election precincts which are wholly within the target area vote in favor of issuance of the permit, the board may issue the permit as provided in this subchapter. If a majority of the qualified voters voting in any election precinct any part of which is located in the operational area vote against the issuance of the permit, that part of the county shall be excluded

from the coverage of the permit, but if the board finds that a weather modification and control operation is still feasible, a permit may be issued covering areas in which no election is requested and areas in which the voters give their approval as provided in this section.

"(n) If a permit is denied under Subsection (m) of this section, no application for a permit covering all or part of the same target area or operational area so denied may be considered, and no permit under that application may be issued by

"(o) If a permit including authorization for hail suppression is to cover only a part of a county, only those qualified voters residing in an election precinct or precincts of the county included in the target area or operational area are eligible to sign a petition and to vote at an election under this section, and in computing the vote, only a majority of those qualified voters residing in such areas and voting in the election shall be necessary to carry the proposition in that county.

"(p) No permit shall be issued which provides for or allows the seeding of clouds for hail suppression outside the target area, except that seeding may be done in the operational area where it is reasonably calculated to take effect only within the target area. This shall not prohibit the observation of cloud and cloud formations.

"(q) The board may monitor any program under such conditions as the board deems advisable.

"(r) The provisions of this section do not apply to any permits in effect at the time this section becomes law."

"(s) Upon petition as provided in this section, the commissioners court of any county outside but adjacent to a county included in the operational area of an existing or proposed permit shall call and hold an election on the proposition of whether or not the qualified voters of the county approve of the issuance of any permit authorizing hail suppression in the county. If the county voters voting in such election disapprove the issuance of permits authorizing hail suppression, the board may not issue any such permit covering the county until the proposition has been approved by a subsequent election.

Sec. 3. Chapter 14, Water Code, as amended, is amended by adding Section 14.0911 to read as follows:

"Sec. 14.0911. PERMIT VIOLATION. (a) In this section, 'permit area' means the area affected and the area of operations covered by a permit.

"(b) After notice and hearing, the board may issue a warning or, if a warning has already been issued, may suspend a permit up to a period of two years if the board finds that a permittee, through carelessness, performed all or any part of a weather modification and control operation outside the boundaries of the permit area. The board may suspend the permit up to a period of two years without prior issuance of a warning if the permittee, through gross carelessness, performed all or any part of a weather modification and control operation outside the boundaries of a permit area.

"(c) A person who violates a provision of a permit is guilty of a Class A misdemeanor."

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Hance moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy, McKnight, Meier.

Absent: Jones of Taylor.

HOUSE BILL 916 ON SECOND READING

On motion of Senator Hance and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 916, A bill to be entitled An Act relating to the licensing requirements for certain persons involved in pest control on their own premises; amending Section 5 of the Texas Structural Pest Control Act, as amended (Article 135b-6, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to third reading.

HOUSE BILL 916 ON THIRD READING

Senator Hance moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 916** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Jones of Taylor, McKnight, Moore, Santiesteban, Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECESS

On motion of Senator Mauzy the Senate at 4:16 o'clock p.m. took recess until 5:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 5:00 o'clock p.m. and was called to order by the President.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
May 20, 1977

**TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR
SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a Member of the **BATTLESHIP TEXAS COMMISSION**: For a six-year term to expire May 1, 1983: Admiral C. H. Taylor (Ret.) of Houston, Harris County is being reappointed; Mrs. Hugh B. Lowery of Victoria, Victoria County is replacing Mrs. Murray Ezzell of Port Neches, Jefferson County whose term expired.

To be a Member of the **TEXAS BOARD OF MENTAL HEALTH AND MENTAL RETARDATION**: For a six-year term to expire January 31, 1983: Dr. Walter A. Brooks of Quanah, Hardeman County is being reappointed; Dr. Olin B. Gober of Temple, Bell County is being reappointed; Mrs. A. I. Thomas of Prairie View, Waller County is replacing Mr. O. J. Baker of Prairie View, Waller County whose term expired.

To be a Member of the **COMMISSION FOR INDIAN AFFAIRS**: For a six-year term to expire January 31, 1983: Mr. Victor B. Fain of Nacogdoches, Nacogdoches County is being reappointed.

To be **JUDGE OF THE 164TH JUDICIAL DISTRICT OF TEXAS**, Harris County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Peter S. Solito of Houston, Harris County is replacing Judge Warren P. Cunningham, Jr. of Houston, Harris County who is deceased.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committee indicated:

- H.B. 2105**, To Committee on Human Resources.
- H.B. 1984**, To Committee on Economic Development.
- H.B. 641**, To Committee on State Affairs.
- H.B. 869**, To Committee on Education.
- H.B. 2254**, To Committee on Natural Resources.
- H.B. 2036**, To Committee on State Affairs.
- H.B. 2081**, To Committee on State Affairs.
- H.B. 1396**, To Committee on State Affairs.
- H.B. 2194**, To Committee on Administration.
- H.B. 2228**, To Committee on Education.
- H.B. 1831**, To Committee on Finance.
- H.B. 1782**, To Committee on State Affairs.
- H.B. 1715**, To Committee on Education.

H.B. 1415, To Committee on Natural Resources.
H.B. 1411, To Committee on Natural Resources.
H.B. 1125, To Committee on State Affairs.
H.B. 971, To Committee on State Affairs.
H.B. 900, To Committee on State Affairs.
H.B. 92, To Committee on Education.
H.B. 160, To Committee on Finance.
H.B. 297, To Committee on Education.
H.B. 380, To Committee on Finance.
H.B. 785, To Committee on Economic Development.

COMMITTEE SUBSTITUTE HOUSE BILL 750 ON SECOND READING

Senator Mauzy moved to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 750, Relating to public school education; amending various provisions of the Texas Education Code, as amended, as follows: amending Section 16.056, relating to salaries of school personnel; amending Section 16.151, relating to the operating cost allotment to school districts; amending Section 16.206(c), (g), (h), and (i), relating to the allotment to school districts for transportation services; amending Section 16.102, relating to the personnel unit allotments; amending Sections 16.104, 11.052, and 11.10(o), (q), (s), and (t) and adding Section 11.103 relating to special education for handicapped children; amending Section 16.252, relating to each school district's share of the foundation school program cost; amending Section 16.254(d), relating to minimum foundation school program costs; amending Subchapter H, Chapter 16, relating to equalization aid for program enrichment; adding Section 11.36, relating to testing programs; amending Section 20.03, relating to property appraisals, assessment ratios, and tax rates of certain school districts; adding Section 20.52, relating to student fees; amending Sections 11.32 and 11.33 relating to regional service centers; amending and renumbering Section 21.911 relating to instructional television; and amending Sections 12.14, 12.15 and 12.18 and adding Subsections (c) and (d) to Section 12.01, relating to textbooks and instructional materials.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas. Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Jones of Harris, Jones-of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Ogg, Parker, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Adams, Creighton, Hance, Harris, McKnight, Mengden, Moore, Patman, Snelson, Traeger.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Jones of Taylor offered the following amendment to the bill:

Amend CSHB 750, by striking Sections 10 and 11 and substituting, therefor, a new Section 10 to read as follows:

"Sec. 10. Section 16.252, Texas Education Code, as amended, is revised and amended to read as follows:

"Sec. 16.252. LOCAL SHARE OF PROGRAM COST. (a) For the 1977-1978 and 1978-1979 school years, each school district's share of its guaranteed entitlement under the foundation school program shall be determined as follows:

"(1) The index rate per \$100 valuation used to determine each district's share of its guaranteed entitlement under the foundation school program shall be determined by the commissioner of education.

"(2) The index rate per \$100 valuation used to determine each district's share shall be applied to the taxable value of taxable property in each school district on the basis of the average of the market value and the agricultural use value of taxable property in each school district reported in the 1976 official compilation of school district property values prepared by the Governor's Office of Education Resources.

"(3) In each year, the total statewide local fund assignment shall be \$492 million; however, the total statewide local fund assignment may be adjusted by 2-1/2 percent upward or downward in establishing a fixed tax rate per \$100 valuation.

"(4) The commissioner of education, with the approval of the Governor, shall adjust the values reported in the official compilation to reflect reductions in taxable value of property resulting from actual tax exemptions for the 1975 tax year. Prior to the determination of each school district's share of its guaranteed entitlement under the foundation school program for the 1977-1978 and the 1978-1979 school years, each district shall have the right to appeal its value based on the 1976 official compilation of school district property values prepared by the Governor's Office of Education Resources. The appeals shall be heard by the commissioner of education. The right to appeal shall be limited to those districts in which local natural or economic changes have dramatically reduced the value of the district's property since January 1, 1975, or where the Governor's Office of Education Resources based its estimate of property values on information supplied by other state agencies which have since updated or changed that information. The decision of the commissioner of education shall be final and shall be completed no later than August 1, of 1977 and 1978, respectively.

~~"[(a) A school district's share of its guaranteed entitlement under the Foundation School Program to be determined by multiplying the total taxable value of property in the district by an index rate of 30 cents per \$100 valuation for the 1975-1976 school year and 35 cents per \$100 valuation for each school year thereafter. Provided that for the 1975-1976 school year, the local fund assignment of any school district shall not exceed 100 percent of the maintenance tax revenue collected in that district in 1974-1975; and provided further that for the 1976-1977 school year, the local fund assignment of any school district shall not exceed 150 percent of the maintenance tax revenue collected in the district in 1975-1976. Provided further that for the 1975-1976 school year no district's local fund assignment shall exceed an amount equal to its local fund assignment for the 1974-1975 school year multiplied by two, and for the 1976-1977 school year no district's local fund assignment shall exceed an amount equal to its local fund assignment for the 1974-1975 school year multiplied by three.]~~

"(b) For the 1979-1980 school year and for each school year thereafter, the statewide local fund assignment shall be based on the index rate per \$100 valuation established for the 1977-1978 school year which shall be the fixed index rate per \$100 valuation based on the current taxable value of property in each school district, to be determined by the then current method of determining school districts' taxable value of taxable property. Such values shall be in accordance with the relevant acts of the legislature.

~~[(b) A district's share of the program cost for the 1975-1976 and 1976-1977 school years is based on the value of the district's property for the 1974 tax year as~~

~~reported in the 'Official Compilation of 1974 School District Market Value Data,' Office of the Governor, State of Texas.~~

~~The commissioner may adjust the values reported in the official compilation to correct apparent discrepancies and may reduce the local share of a district in which local natural or economic disaster has dramatically reduced the value of the property since 1974. The commissioner's decision is final. For succeeding school years, a district's share is based on the value of its property for the tax year commencing in the school year two years before the school year for which the share is calculated. However, the commissioner may reduce the local share of a district in which local natural or economic disaster has dramatically reduced the value of taxable property in the intervening two year period.]~~

~~(c) A school district need not raise its total local share of its program cost."~~

~~"(d) Notwithstanding the preceding provisions of this section, a district's local fund assignment shall not exceed an amount equal to its local fund assignment for the preceding school year multiplied by 1.25 or an amount equal to the sum of its local fund assignment for the preceding school year plus .05 per \$100 multiplied by the value of taxable property in the district used in calculating the local fund assignment whichever is less.~~

JONES OF TAYLOR
SNELSON
HANCE

The amendment was read.

Question - Shall the amendment be adopted?

CONFERENCE COMMITTEE GRANTED PERMISSION TO MEET

On motion of Senator Aikin and by unanimous consent, the Senate Conference Committee for **H.B. 510** was granted permission to meet while the Senate was in session.

PRIVILEGES OF FLOOR GRANTED

On motion of Senator Mauzy and by unanimous consent, privileges of the floor were granted to two staff members in order that they might sit at Senator Mauzy's desk.

On motion of Senator Jones of Taylor and by unanimous consent, privileges of the floor were granted to a staff member in order that he might sit at Senator Jones' desk.

COMMITTEE SUBSTITUTE HOUSE BILL 750 ON SECOND READING

The Senate resumed consideration of **C.S.H.B. 750** on its second reading and passage to engrossment with an amendment by Senators Jones of Taylor, Snelson and Hance pending.

Question - Shall the amendment be adopted?

Senator Patman offered the following amendment to the pending amendment:

Amend the pending amendment subdivision 2 of subsection a of Sec. 16.252 by striking the words

“the average of the market value and the”

and adding following the words “agricultural use value” the following words

“minus twenty (20) per cent of single-family residence values”

The amendment to the pending amendment was read.

On motion of Senator Mauzy the amendment to the pending amendment was tabled by the following vote: Yeas 17, Nays 12.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, Meier, Ogg, Parker, Santiesteban, Schwartz, Truan, Williams.

Nays: Adams, Doggett, Farabee, Hance, Harris, Kothmann, McKnight, Mengden, Patman, Sherman, Snelson, Traeger.

Absent: Creighton, Moore.

Senator Mauzy moved that the pending amendment be tabled. The motion to table the pending amendment was lost by the following vote: Yeas 13, Nays 18.

Yeas: Andujar, Braecklein, Clower, Doggett, Lombardino, Longoria, Mauzy, Meier, Ogg, Parker, Schwartz, Truan, Williams.

Nays: Adams, Aikin, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, McKnight, Mengden, Moore, Patman, Santiesteban, Sherman, Snelson, Traeger.

Senator Adams offered the following amendment to the pending amendment:

Amend the amendment to **C.S.H.B. 750**, by striking Sections 10 and 11 and substituting, therefor, a new Section 10 to read as follows:

“Sec. 10. Section 16.252, Texas Education Code, as amended, is revised and amended to read as follows:

“Sec. 16.252. **LOCAL SHARE OF PROGRAM COST.** (a) For the 1977-1978 and 1978-1979 school years, each school district's share of its guaranteed entitlement under the foundation school program shall be determined as follows:

“(1) The index rate per \$100 valuation used to determine each district's share of its guaranteed entitlement under the foundation school program shall be determined by the commissioner of education.

“(2) The index rate per \$100 valuation used to determine each district's share shall be applied to the taxable value of taxable property in each school district on the basis of the sum of one third of the market value and two thirds of the agricultural use value of taxable property in each school district reported in the 1976 official compilation of school district property values prepared by the Governor's Office of Education Resources.

“(3) In each year, the total statewide local fund assignment shall be \$492 million; however, the total statewide local fund assignment may be adjusted by 2-1/2 percent upward or downward in establishing a fixed tax rate per \$100 valuation.

“(4) The commissioner of education, with the approval of the Governor, shall adjust the values reported in the official compilation to reflect reductions in taxable

value of property resulting from actual tax exemptions for the 1975 tax year. Prior to the determination of each school district's share of its guaranteed entitlement under the foundation school program for the 1977-1978 and the 1978-1979 school years, each district shall have the right to appeal its value based on the 1976 official compilation of school district property values prepared by the Governor's Office of Education Resources. The appeals shall be heard by the commissioner of education. The right of appeal shall be limited to those districts in which local natural or economic changes have dramatically reduced the value of the district's property since January 1, 1975, or where the Governor's Office of Education Resources based its estimate of property values on information supplied by other state agencies which have since updated or changed that information. The decision of the commissioner of education shall be final and shall be completed no later than August 1, of 1977 and 1978, respectively.

~~"(a) A school district's share of its guaranteed entitlement under the Foundation School Program to be determined by multiplying the total taxable value of property in the district by an index rate of 30 cents per \$100 valuation for the 1975-1976 school year and 35 cents per \$100 valuation for each school year thereafter. Provided that for the 1975-1976 school year, the local fund assignment of any school district shall not exceed 100 percent of the maintenance tax revenue collected in that district in 1974-1975; and provided further that for the 1976-1977 school year, the local fund assignment of any school district shall not exceed 150 percent of the maintenance tax revenue collected in the district in 1975-1976. Provided further for the 1975-1976 school year no district's local fund assignment shall exceed an amount equal to its local fund assignment for the 1974-1975 school year multiplied by two, and for the 1976-1977 school year no district's local fund assignment shall exceed an amount equal to its local fund assignment for the 1974-1975 school year multiplied by three.]~~

"(b) For the 1979-1980 school year and for each school year thereafter, the statewide local fund assignment shall be based on the index rate per \$100 valuation established for the 1977-1978 school year which shall be the fixed index rate per \$100 valuation based on the current taxable value of property in each school district, to be determined by the then current method of determining school districts' taxable value of taxable property. Such values shall be in accordance with the relevant acts of the legislature.

~~[(b) A district's share of the program cost for the 1975-1976 and 1976-1977 school years is based on the value of the district's property for the 1974 tax year as reported in the 'Official Compilation of 1974 School District Market Value Data,' Office of the Governor, State of Texas. The commissioner may adjust the values reported in the official compilation to correct apparent discrepancies and may reduce the local share of a district in which local natural or economic disaster has dramatically reduced the value of the property since 1974. The commissioner's decision is final. For succeeding school years, a district's share is based on the value of its property for the tax year commencing in the school year two years before the school year for which the share is calculated. However, the commissioner may reduce the local share of a district in which local natural or economic disaster has dramatically reduced the value of taxable property in the intervening two year period.]~~

"(c) A school district need not raise its total local share of its program cost."

"(d) Notwithstanding the preceding provisions of this section, a district's local fund assignment shall not exceed an amount equal to its local fund assignment for the preceding school year multiplied by 1.25 or an amount equal to the sum of its local fund assignment for the preceding school year plus .05 per \$100 multiplied by the value of taxable property in the district used in calculating the local fund assignment whichever is less.

The amendment to the pending amendment was read.

On motion of Senator Mauzy the amendment to the pending amendment was tabled by the following vote: Yeas 18, Nays 13.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Ogg, Parker, Santiesteban, Schwartz, Truan, Williams.

Nays: Adams, Creighton, Doggett, Farabee, Hance, Harris, McKnight, Mengden, Moore, Patman, Sherman, Snelson, Tracer.

The pending amendment was then adopted by the following vote: Yeas 19, Nays 12.

Yeas: Adams, Aikin, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, McKnight, Mengden, Moore, Parker, Patman, Santiesteban, Sherman, Snelson, Tracer.

Nays: Andujar, Braecklein, Clower, Doggett, Lombardino, Longoria, Mauzy, Meier, Ogg, Schwartz, Truan, Williams.

Senator Mauzy offered the following amendment to the bill:

Amend **C.S.H.B. 750**, Section 3, Section 16.104 (n) by deleting the sentence beginning on line 14 with the words "There are..... and ending on line 21 with the words 'Handicapped Program'.

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend **C.S.H.B. 750**, Section 1, Section 16.056 (c), line 16 by deleting \$9696 and substituting in lieu thereof \$9588.

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend **C.S.H.B. 750**, Section 7, Section 16.151 by deleting on line 4 "\$120" and substituting in lieu thereof "\$115".

The amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend **C.S.H.B. 750**, Section 1, Section 16.056 (d), line 20 by deleting the ";" and substituting in lieu thereof "." and by deleting lines 21-27 of page 2 and lines 1-5 of page 3.

The amendment was read and was adopted.

Senator Jones of Taylor offered the following amendment to the bill:

Amend C.S.H.B. 750, by striking Section 13 and substituting therefor the following:

"Sec. 13. Subchapter H, Chapter 16, Texas Education Code, as amended, is amended to read as follows:

"SUBCHAPTER H. EQUALIZATION AID FOR PROGRAM ENRICHMENT

"Sec. 16.301. STATE EQUALIZATION AID POLICY. By the 1979-1980 biennium and for each biennium thereafter, regardless of the wealth of a local school district, the state shall implement a system of state aid which will guarantee each school district a level of combined state and local maintenance revenue per student in ADA equal to the state average combined state and local maintenance revenue per student in ADA which was available during the immediately preceding biennium.

"Sec. 16.302 [16.301]. DISTRICT ELIGIBILITY. (a) A school district with a local fund assignment per student in average daily attendance which is less than ~~[125 percent of]~~ the total statewide local fund assignment per student in average daily attendance in the state is eligible for state equalization aid for the enrichment of its educational program beyond the level guaranteed under the Foundation School Program. The amount of state equalization aid shall not exceed \$185 [570] per student in average daily attendance. Money received by local districts under provisions of this subchapter may be expended for any lawful school purpose.

"(b) Each school district whose local fund assignment per student in average daily attendance is less than 50 percent of the total statewide local fund assignment per student in average daily attendance in the state shall be eligible to receive an allotment of \$210 per student in average daily attendance in the district, to be distributed on the same basis as equalization aid under Subsection (a) of this section.

"Sec. 16.303 [16.302]. DETERMINATION OF EQUALIZATION AID ENTITLEMENT. ~~[(a)]~~ The amount of state equalization aid to which a district is entitled is determined by the formula:

$$SEA = 1 - \frac{DLFA/ADA}{[\times 1.25]} \times ADA \times \$185 [570] (SLFA/ADA)$$

where

" 'SEA' is the state equalization aid guaranteed to the district;

" 'DLFA/ADA' is the district's local fund assignment divided by the number of students in average daily attendance in the district;

" 'SLFA/ADA' is the total statewide local fund assignment divided by the number of students in average daily attendance in the state; and

" 'ADA' is the number of students in average daily attendance in the district.

Sec. 16.304 [16.303]. REQUIRED LOCAL EFFORT. ~~[(a)]~~ In order to receive ~~[the full amount of]~~ equalization aid, ~~[available to a district,]~~ the district must raise ~~[local funds in an amount which exceeds]~~ its local fund assignment, ~~[by the difference between the amount derived by multiplying the number of students in average daily attendance in the district by \$70 and the amount of equalization guaranteed by the state.]~~

~~[(b)] If the district chooses to raise local funds in an amount less than that required to receive the full state equalization entitlement, the amount of state aid shall be reduced in proportion to the amount of local funds actually raised by the district.]~~

"Sec. 16.305 [16.304] PAYMENT OF STATE AID; LIMITATION. ~~[(a)]~~ The state's equalization aid for program enrichment shall be paid from the Foundation School Fund pursuant to regulations of the State Board of Education.

~~[(b) If the amount of state aid required by this subchapter exceeds \$50 million per year for the 1975-1976 or 1976-1977 school year, the amount of state equalization aid guaranteed to each district shall be reduced proportionately until the total amount of funds required equals \$50 million. Each district's required local share shall also be reduced in proportion to the amount by which the state's share is reduced.]~~

JONES OF TAYLOR
SNELSON
HANCE

The amendment was read and was adopted by the following vote: Yeas 17, Nays 14.

Yeas: Aikin, Brooks, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, McKnight, Mengden, Moore, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger.

Nays: Adams, Andujar, Braecklein, Clower, Doggett, Jones of Harris, Lombardino, Longoria, Mauzy, Meier, Ogg, Schwartz, Truan, Williams.

Senator Hance offered the following amendment to the bill:

Amend **C.S.H.B. 750** by adding a new Section 1, 2, and 3 to read as follows and renumbering all existing sections:

"Section 1. Section 16.052, Texas Education Code, as amended, is amended to read as follows:

'Section 16.052. Operation of Schools. Each school district must operate its schools each year for not less than 175 ~~[180]~~ school days.'

"Section 2. Subsection (b), Section 16.055, Texas Education Code, as amended is amended to read as follows:

'Salaries shall be paid on the basis of a minimum of 10 month's service, which must include 175 ~~[180]~~ school days plus not more than 6 ~~[10]~~ days of inservice training and preparation. Personnel employed for more than 10 months shall be paid not less than the minimum monthly base pay plus increments for experience for each month of actual employment. Personnel employed for 11 months must render 210 days of service, and personnel employed for 12 months must render 230 days of service.'

"Section 3. Subsection (a), Section 21.008, Texas Education Code, as added, is amended to read as follows:

'Each ~~[Beginning with the 1975-1976 school year, each]~~ school district shall operate on the basis of a quarter system, with its schools being in operation during at least three-month quarters during each school year and providing 175 ~~[180]~~ days of instruction for students and 6 ~~[10]~~ days of inservice education and preparation for teachers.'"

The amendment was read.

On motion of Senator Mauzy the amendment was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Aikin, Andujar, Braecklein, Clower, Doggett, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Ogg, Patman, Santiesteban, Schwartz, Snelson, Truan.

Nays: Adams, Brooks, Creighton, Farabee, Hance, Lombardino, Mengden, Moore, Parker, Sherman, Traeger, Williams.

Senator Hance offered the following amendment to the bill:

Amend Section 16.102 (i) of C.S.H.B. 750, page 14, beginning on line 24 by adding the following:

“notwithstanding anything to the contrary, vocational administrative units shall be approved on a twelve month contract basis, and vocational supervisory units shall be approved on an eleven or twelve month contract basis, based on program needs.”

The amendment was read.

Senator Mauzy moved that the amendment be tabled.

The motion to table the amendment was lost by the following vote: Yeas 14, Nays 17.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Jones of Taylor, Longoria, Mauzy, Meier, Moore, Ogg, Santiesteban, Schwartz, Truan.

Nays: Adams, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, McKnight, Mengden, Parker, Patman, Sherman, Snelson, Traeger, Williams.

The amendment was then adopted.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting “Nay” on the adoption of the amendment.

Senator Moore offered the following amendment to the bill:

Amend H.B. No. 750 by adding Section 20A to read as follows:

Sec. 20A. Section 20.481, Texas Education Code, as amended, is amended to read as follows:

**“Sec. 20.481. USE OF COUNTY AVAILABLE FUND
APPORTIONMENT FOR VOCATIONAL AND TECHNICAL SCHOOLS.**

(a) Where any public school district or accumulation of districts of this state operates a school designated as an area vocational school for vocational and technical school purposes and/or which participates in such a designated area vocational school program, its annual county available school fund apportionment, if any, shall be employed in the operation of such school and/or in financing facilities therefor, except as provided in Subsection (b) of this section, notwithstanding any laws to the contrary; provided further, that any such school district(s) shall not be held accountable for or charged with county available school funds in determination of eligibility for minimum foundation school program funds.

“b) A school district that is participating in an area vocational school may withdraw from that participation and that portion of the county available fund dedicated to the area vocational school may be used by the withdrawing district for the purpose of reduction of bonded indebtedness or capital improvement and the

school district shall not be held accountable for or charged with that portion of the county available funds in determination of eligibility for minimum foundation school program funds."

The amendment was read.

On motion of Senator Moore and by unanimous consent, the amendment was withdrawn.

Senator Ogg offered the following amendment to the bill:

Amend **CSHB 750**, page 50, Section 14 by striking Subsection (a) of the proposed Section 20.03 in its entirety.

The amendment was read and failed of adoption by the following vote: Yeas 2, Nays 29.

Yeas: Mengden, Ogg.

Nays: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Senator Traeger offered the following amendment to the bill:

Amend **CSHB 750**, Section 2, by amending Section 16.206., Subsection (j) (2), Texas Education Code, to read as follows:

"(2) An 'eligible student', for the purposes of this section, shall include each student who lives two or more miles from the school to which he is assigned, or any student who lives two or less miles from school who would encounter unusual or excessive dangers if not afforded transportation services. In order for a student(s) who lives two or less miles from the school to which he is assigned to qualify as an 'eligible student' under this section, the local board of trustees must submit a written application to the commissioner for the approval of transportation services for any such student(s) who, in the opinion of the board, would encounter unusual or excessive dangers if not afforded transportation services."

The amendment was read.

On motion of Senator Mauzy the amendment was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Aikin, Andujar, Braecklein, Clower, Creighton, Farabee, Hance, Harris, Jones of Taylor, Longoria, Mauzy, McKnight, Ogg, Parker, Patman, Schwartz, Sherman, Truan, Williams.

Nays: Adams, Brooks, Doggett, Jones of Harris, Kothmann, Lombardino, Meier, Mengden, Santiesteban, Snelson, Traeger.

Absent: Moore.

Senator Sherman offered the following amendment to the bill:

Amend Committee Substitute for House Bill 750 by adding new Sections 11 and 12 and renumbering the succeeding sections accordingly:

Section 11. Subsection (b), Section 16.251, Texas Education Code, as amended, is amended to read as follows:

“(b) The program shall be financed by:

“(1) ad valorem tax revenue generated by an equalized local school district effort;

“(2) state (~~and county~~) available school funds distributed in accordance with law; and

“(3) state funds appropriated for the purposes of public school education and allocated to each district in an amount sufficient to finance the cost of each district's Foundation School Program not covered by other funds specified in this subsection.”

Section 12. Subsection (a), Section 16.254, Texas Education Code, as amended, is amended to read as follows:

“(a) The commissioner of education shall determine annually:

“(1) the amount of money necessary to operate a Foundation School Program in each school district;

“(2) the amount of local funds assigned to each school district for the support of the program; and

“(3) the amount of state (~~and county~~) available school funds distributed to each school district.”

The amendment was read and was adopted.

Senator Jones of Taylor offered the following amendment to the bill:

Amend C.S.H.B. No. 750 as follows:

(1) Add two new Sections, appropriately numbered, to read as follows:

Sec. ____ Chapter 20, Texas Education Code, is amended by adding Subchapter D to read as follows:

**“SUBCHAPTER D. SCHOOL DISTRICT APPRAISAL AND
ASSESSMENT PRACTICES”**

“Sec. 20.71. PURPOSE. It is the policy of this state to ensure equity among taxpayers in the burden of school district taxes and among school districts in the payment of state financial aid to schools. The purpose of this subchapter is to promote that equity by providing for uniformity in the tax appraisal and assessment practices and procedures of school district tax offices, for improvement in the administration and operation of school district tax offices, and for greater competence among persons appraising and assessing school districts' taxes.

“Sec. 20.72. SCHOOL TAX ASSESSMENT PRACTICES BOARD. (a) The school tax assessment practices board is established. The board consists of six members appointed by the governor with the advice and consent of the senate. A vacancy on the board is filled in the same manner for the unexpired portion of the term.

“(b) Members of the board hold office for terms of six years, with the terms of two members expiring on March 1 of each odd-numbered year. In making the initial appointments, the governor shall designate two members for terms expiring on March 1, 1979, two members for terms expiring on March 1, 1981, and two members for terms expiring on March 1, 1983.

"(c) To be eligible to serve on the board, a person must have been a resident of this state for at least five years.

"(d) After March 1, 1983, at least two members shall be certified assessors under this subchapter.

"(e) A majority of the board constitutes a quorum.

"(f) The governor shall designate one of the members of the board to serve as chairman for a term, in that capacity, of two years expiring on March 1 of each odd-numbered year.

"(g) The board shall maintain a principal office in Austin.

"(h) The board shall meet at least once in each calendar quarter and may meet at other times at the call of the chairman or as provided by the rules of the board. Within 60 days after appointment of the members, the governor shall call an organizational meeting of the board.

"(i) A member of the board may not receive compensation for his service on the board but is entitled to reimbursement for actual and necessary expenses, as provided by legislative appropriation, incurred while on travel status in the performance of official duties.

"Sec. 20.73. BOARD PERSONNEL. (a) The board shall employ an executive director who shall administer board operations as directed by the board.

"(b) The director may employ professional, clerical, and other personnel to assist him in the performance of his duties.

"Sec. 20.74. TRAINING AND EDUCATION OF APPRAISERS AND ASSESSORS. (a) The board shall develop curricula for and shall conduct or sponsor courses of instruction and inservice and intern training programs on the technical, legal, and administrative aspects of property taxation.

"(b) The board shall cooperate in developing curricula with other public agencies, with educational institutions, and with private organizations interested in training and educating appraisers or assessors, and the board may cooperate with them in conducting or sponsoring courses of instruction and training programs.

"(c) A school district shall reimburse an employee of an office responsible for appraising and assessing property for school taxation for all actual and necessary expenses, tuition and other fees, and costs of materials incurred in attending, with approval of the superintendent for the district, a course or training program that is necessary to qualify for or maintain certification by the board.

"Sec. 20.75. TRAINING SCHEDULE FOR SCHOOL APPRAISERS AND ASSESSORS. The board shall establish by rule a minimum annual number of hours of education and training for a chief administrator of an office appraising and assessing property for school taxes who does not hold a certificate issued by the board under Section 20.76 of this code.

"Sec. 20.76. CERTIFICATION OF QUALIFIED APPRAISERS AND ASSESSORS. (a) The board shall promulgate rules providing for certification of persons engaged in appraising or assessing property for taxation who:

"(1) comply with training, experience, and other requirements; and

"(2) demonstrate knowledge and understanding of the basic technical, legal, and administrative aspects of property taxation.

"(b) The board shall prepare and, at least twice each calendar year, administer an examination designed to test a person's knowledge and understanding of the technical, legal, and administrative aspects of property taxation. The board may charge a reasonable fee to defray the expenses of administering examinations.

"(c) The board shall issue a certificate to a person who:

"(1) successfully completes the certification examination; and

"(2) furnishes satisfactory proof, as provided by board rules, that he complies with the minimum requirements for certification.

"(d) The board shall provide for issuance of a certificate without an examination and proof of compliance with its requirements to a person holding a comparable certificate issued by a private association of appraisers or assessors prior to the enactment of this section.

"(e) The board may provide that certificates have limited duration and require periodic completion of specified education or training programs conducted or sponsored by the board as a condition of renewal.

"(f) The board may revoke or suspend a certificate or may reprimand a certificate holder if it finds that grounds for the disciplinary action exist. The board shall promulgate rules specifying the grounds and procedures for disciplinary actions.

"(g) A person is entitled to a hearing in accordance with the Administrative Procedure and Texas Register Act if he is denied a certificate or if the board proposes to revoke or suspend his certificate or to reprimand him.

"Sec. 20.77. MINIMUM STANDARDS FOR OPERATIONS OF SCHOOL TAX OFFICES. (a) The board shall promulgate rules establishing minimum standards for the administration and operation of an office engaged in appraising and assessing property for school taxation. The minimum standards for a tax office may vary according to the number of parcels and the degree of variation in the kinds of property the office is responsible for appraising and assessing.

"(b) The board may require from each office engaged in appraising and assessing property for school taxation an annual report, on a form prescribed by the board, on the administration and operation of the office.

"Sec. 20.78. SANCTION FOR NONCOMPLIANCE. (a) After December 31, 1982, a school district is ineligible for state financial aid if the office appraising and assessing property for the district's tax purposes:

"(1) does not comply with the minimum standards for administration and operation of the office established pursuant to Section 20.77 of this code;

"(2) is not administered by a person holding a certificate issued by the board under Section 20.76 of this code; or

"(3) has unreasonably failed to file a completed report required by the board pursuant to this subchapter.

"(b) After September 1, 1978, and before January 1, 1983, a school district is ineligible for state financial aid if the chief administrator of the office appraising and assessing property for the district's tax purposes:

"(1) does not hold a certificate issued by the board under Section 20.76 of this code;

"(2) has held the position for more than one year; and

"(3) has failed to complete successfully the minimum amount of education and training required under Section 20.75 of this code.

"Sec. 20.79. DETERMINATION OF NONCOMPLIANCE. (a) If the board determines that a school district is ineligible for state financial aid under Section 20.78 of this code, the board shall notify the presiding officer of the district's board of trustees, the district's superintendent, and the chief administrator of the office appraising and assessing property for the district of its determination. The notice shall be delivered by certified mail, return receipt requested, and shall state the grounds for the board's determination.

"(b) A district is entitled to petition the board for a hearing within 60 days after delivery of the notice to contest the board's determination or to show that it has substantially remedied the cause of ineligibility.

"(c) If after opportunity for a hearing the board finds that the district is ineligible for state financial aid under Section 20.78 of this code, the board shall certify its finding to the commissioner of education.

"(d) At any time after a school district has been found ineligible for state aid, the district may submit evidence that it has substantially remedied the cause of its ineligibility. Within 30 days after receipt of a submission under this subsection, the board shall hold a hearing to determine whether the district has become eligible for state financial aid. The board may find that a district has become eligible for state financial aid without a hearing. If the board finds that a district has become eligible for state financial aid, it shall certify its finding to the commissioner of education.

"(e) After receipt of a certification that a school district is ineligible for state financial aid, the commissioner of education may not approve payment of aid to the district until he receives a certification that the district has become eligible. If a district becomes eligible for state financial aid during a fiscal year, the commissioner of education may approve payment of all aid to which the district is entitled for that year, but the commissioner may not approve payments of state aid for a prior fiscal year in which a district was found ineligible for state aid.

"(f) A school district may appeal an adverse determination by the board under this section as provided in Section 19, Administrative Procedure and Texas Register Act.

"Sec. 20.80. SCHOOL DISTRICT WITHDRAWAL FROM NONCOMPLYING TAX OFFICE. (a) A school district that is required by law or contract to impose property taxes on the basis of values determined by the assessor and board of equalization for a county or any other taxing unit other than the district may contract with some other taxing unit to appraise and assess property for its tax purposes if, because the office appraising and assessing property for the district's taxes refuses to comply or is unreasonably delaying compliance with the requirements of this subchapter, the district will lose its eligibility for state financial aid.

"(b) A school district seeking to withdraw from a tax office pursuant to Subsection (a) of this section may petition the board for a determination of its eligibility to do so if the board has not yet found that the tax office is not in compliance with this subchapter. On receipt of the petition the board shall notify the office from which the district seeks to withdraw and hold a hearing. The board shall make a final determination within 90 days after the date the petition is filed.

"(c) If the board has found a district's tax office is not in compliance with this subchapter, the district may withdraw from a tax office pursuant to Subsection (a) of this section without a board determination.

"Sec. 20.81. CONTRACT WITH COMPLYING OFFICE. If a school district that operates its own tax office is found ineligible for state financial aid under this subchapter, the district may contract with any other tax office that is in compliance with this subchapter to appraise and assess property for the district's tax purposes.

"Sec. 20.82. REPORTS OF SCHOOL DISTRICT VALUES. (a) Each office assessing property for school district taxes shall file an annual report listing the total market value and the total assessed value of all taxable property in the district and other information required by the board.

"(b) The report shall be on a form prescribed by the board and shall be delivered to the board before a date prescribed by the board.

"Sec. 20.83. DETERMINATION OF SCHOOL DISTRICT VALUES. (a) The board shall conduct an annual study using comparable sales and other generally accepted techniques to determine the total market value and total taxable value of taxable property in each school district. The study shall determine the value of all property and of each class of property within each district. In conducting the studies, the board shall use appropriate standard statistical compilation and analysis techniques to compute the total market value. For purposes of this section, 'total taxable value' means total market value less:

"(1) the total dollar amount of any exemptions of part but not all of the value of taxable property required by the constitution or a statute that a district lawfully granted in the year that is the subject of the study; and

"(2) the difference between the market value and the agricultural use value of all land lawfully designated for agricultural use pursuant to Article VIII, Section 1-d, of the Texas Constitution, in the year that is the subject of the study.

"(b) The study shall determine the values as of January 1 of the year that is the subject of the study.

"(c) The board shall publish its findings, listing values by district, before March 1 following the year that is the subject of the study, and on that date it shall certify its findings to the commissioner of education.

"(d) A school district may protest the board's findings within 60 days after the date on which the findings are certified to the commissioner by filing a petition with the board specifying the grounds for its objection. After receipt of a petition, the board shall hold a hearing. If after a hearing the board concludes that its findings should be changed, the board shall order the changes it finds appropriate and shall certify the changes to the commissioner of education. The board shall complete all protest hearings and certify all changes before July 1.

"(e) A school district may appeal a determination of a protest by the board as provided in Section 19, Administrative Procedure and Texas Register Act.

"Sec. 20.84. CONFIDENTIALITY. (a) All information the board obtains from a person, other than a government or governmental subdivision or agency, under an assurance that the information will be kept confidential, in the course of conducting a study of school district values is confidential and may not be disclosed except as provided in Subsection (b) of this section.

"(b) Information made confidential by this section may be disclosed:

"(1) in a judicial or administrative proceeding pursuant to a lawful subpoena;

"(2) to the person who gave the information to the board; or

"(3) for statistical purposes if in a form that does not identify specific property or a specific property owner."

Sec. ____ Chapter 20, Texas Education Code, is amended by adding Subchapter D to read as follows:

"SUBCHAPTER D. SCHOOL DISTRICT APPRAISAL AND ASSESSMENT PRACTICES

"Sec. 20.71. PURPOSE. It is the policy of this state to ensure equity among taxpayers in the burden of school district taxes and among school districts in the payment of state financial aid to schools. The purpose of this subchapter is to promote that equity by providing for improvement in the administration and operation of school district tax offices and in the appraisal and assessment of property for school tax purposes by requiring greater competence among persons appraising and assessing property for school districts' taxes.

"Sec. 20.72. TRAINING SCHEDULE FOR SCHOOL ASSESSORS. (a) The council of appraiser examiners shall establish by rule a minimum annual number of hours of education and training for a chief administrator of an office appraising and assessing property for school taxes who does not hold a registration issued by the council under Section 5.24 of the Property Tax Code.

"(b) A school district shall reimburse an employee of an office responsible for appraising and assessing property for school taxation for all actual and necessary expenses, tuition and other fees, and costs of materials incurred in attending, with approval of the superintendent for the district, a course or training program that is necessary to qualify for or maintain registration by the council of appraiser examiners.

"Sec. 20.73. SANCTION FOR NONCOMPLIANCE. After December 31, 1977, and before January 1, 1982, a school district is ineligible for state financial aid if:

“(1) the chief administrator of the office assessing property for the district’s tax purposes does not hold a registration issued by the council of appraiser examiners under Section 5.24 of the Property Tax Code; or

“(2) the district unreasonably fails to file a completed report required by the state property tax board pursuant to this subchapter.

“Sec. 20.74. DETERMINATION OF NONCOMPLIANCE. (a) If the state property tax board determines that a school district is ineligible for state financial aid under Section 20.73 of this code, the board shall notify the presiding officer of the district’s board of trustees, the district’s superintendent, and the chief administrator of the office appraising and assessing property for the district of its determination. The notice shall be delivered by certified mail, return receipt requested, and shall state the grounds for the board’s determination.

“(b) A district is entitled to petition the board for a hearing within 60 days after delivery of the notice to contest the board’s determination or to show that it has substantially remedied the cause of ineligibility.

“(c) If after opportunity for a hearing the board finds that the district is ineligible for state financial aid under Section 20.73 of this code, the board shall certify its finding to the commissioner of education.

“(d) At any time after a school district has been found ineligible for state aid, the district may submit evidence that it has substantially remedied the cause of its ineligibility. Within 30 days after receipt of a submission under this subsection, the board shall hold a hearing to determine whether the district has become eligible for state financial aid. The board may find that a district has become eligible for state financial aid without a hearing. If the board finds that a district has become eligible for state financial aid, it shall certify its finding to the commissioner of education.

“(e) After receipt of a certification that a school district is ineligible for state financial aid, the commissioner of education may not approve payment of aid to the district until he receives a certification that the district has become eligible. If a district becomes eligible for state financial aid during a fiscal year, the commissioner of education may approve payment of all aid to which the district is entitled for that year, but the commissioner may not approve payments of state aid for a prior fiscal year in which a district was found ineligible for state aid.

“(f) A school district may appeal an adverse determination by the board under this section as provided in Section 19, Administrative Procedure and Texas Register Act.

“Sec. 20.75. SCHOOL DISTRICT WITHDRAWAL FROM NONCOMPLYING TAX OFFICE. (a) A school district that is required by law or contract to impose property taxes on the basis of values determined by the assessor and board of equalization for a county or any other taxing unit other than the district may contract with some other taxing unit whose tax office is in compliance with this subchapter to appraise and assess property for its taxes if, because the office appraising and assessing property for the district’s taxes refuses to comply or is unreasonably delaying compliance with the requirements of this subchapter, the district will lose its eligibility for state financial aid.

“(b) A school district seeking to withdraw from a tax office pursuant to Subsection (a) of this section may petition the state property tax board for a determination of its eligibility to do so if the board has not yet found that a district’s tax office is not in compliance with this subchapter. On receipt of the petition the board shall notify the office from which the district seeks to withdraw and hold a hearing. The board shall make a final determination within 90 days after the date the petition is filed.

“(c) If the board has found that a district’s tax office is not in compliance with this subchapter, the district may withdraw from a tax office pursuant to Subsection (a) of this section without a board determination.

"Sec. 20.76. CONTRACT WITH COMPLYING OFFICE. If a school district that operates its own tax office is found ineligible for state financial aid under this subchapter, the district may contract with any other tax office that is in compliance with this subchapter to appraise and assess property for the district.

"Sec. 20.77. REPORTS OF SCHOOL DISTRICT VALUES. (a) Each office appraising and assessing property for school district taxes shall file an annual report listing the total market value and the total assessed value of all taxable property in the district and other information required by the state property tax board.

"(b) The report shall be on a form prescribed by the state property tax board and shall be delivered to the board before a date prescribed by the board.

"Sec. 20.78. DETERMINATION OF SCHOOL DISTRICT VALUES. (a) The state property tax board shall conduct an annual study of the total market value and total taxable value of taxable property in each school district. For purposes of this section, 'total taxable value' means total market value less:

"(1) the total dollar amount of any exemptions of part but not all the value of taxable property required by the constitution or a statute that a district lawfully granted in the year that is the subject of the study; and

"(2) the difference between the market value and the agricultural use value of all land lawfully designated for agricultural use pursuant to Article VIII, Section 1-d, of the Texas Constitution, in the year that is the subject of the study.

"(b) The study shall determine the values as of January 1 of the year that is the subject of the study.

"(c) The board shall publish its findings, listing values by district, before March 1 following the year that is the subject of the study, and on that date it shall certify its findings to the commissioner of education.

"(d) A school district may protest the board's findings within 60 days after the date on which the findings are certified to the commissioner by filing a petition with the board specifying the grounds for its objection. After receipt of a petition, the board shall hold a hearing. If after a hearing the board concludes that its findings should be changed, the board shall order the changes it finds appropriate and shall certify the changes to the commissioner of education. The board shall complete all protest hearings and certify all changes prior to July 1.

"Sec. 20.79. CONFIDENTIALITY. (a) All information the state property tax board obtains from a person, other than a government or governmental subdivision or agency, under an assurance that the information will be kept confidential in the course of conducting a study of school district values, is confidential and may not be disclosed except as provided in Subsection (b) of this section.

"(b) Information made confidential by this section may be disclosed:

"(1) in a judicial or administrative proceeding pursuant to a lawful subpoena;

"(2) to the person who gave the information to the board; or

"(3) for statistical purposes if in a form that does not identify specific property or a specific property owner."

(2) Strike the effective date clause (renumbered as Section ____) and substitute the following:

Sec. ____ (a) Section 8 of this Act takes effect on the passage of this Act. Except as provided in Subsection (b) of this section, all other sections of this Act take effect on September 1, 1977.

(b) If H.B. No. 846, 65th Legislature, Regular Session, 1977, is enacted, Section 1 of this Act does not take effect and Section 2 takes effect on September 1, 1977. If H.B. No. 846, 65th Legislature, Regular Session, 1977, is not enacted, Section 2 does not take effect and Section 1 takes effect on September 1, 1977.

The amendment was read.

Senator Patman offered the following amendment to the pending amendment:

Amend the pending amendment by adding a new subsection to Section 20.83 (p9) and 20.87 (p 15) to read as follows:

"The taxable value of taxable property in the state and in each school district shall include all classes of property, including bonds, stocks, certificates of deposit, cash on deposit and other forms of intangible personal property held by banks, corporations, savings and loan associations, partnerships, other financial institutions, and individuals."

The amendment to the pending amendment was read.

On motion of Senator Jones of Taylor the amendment to the pending amendment was tabled by the following vote: Yeas 18, Nays 13.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Jones of Taylor, Longoria, Mauzy, McKnight, Meier, Mengden, Parker, Santiesteban, Truan, Williams.

Nays: Aikin, Creighton, Hance, Jones of Harris, Kothmann, Lombardino, Moore, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger.

On motion of Senator Mengden the pending amendment was tabled by the following vote: Yeas 16, Nays 15.

Yeas: Aikin, Andujar, Braecklein, Creighton, Harris, Kothmann, Lombardino, McKnight, Mengden, Moore, Ogg, Patman, Santiesteban, Snelson, Traeger, Williams.

Nays: Adams, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Longoria, Mauzy, Meier, Parker, Schwartz, Sherman, Truan.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

RECORD OF VOTES

Senators Moore, Patman and Mengden asked to be recorded as voting "Nay" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 750 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 750 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mengden, Moore, Patman.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mengden, Moore, Patman.

ANNOUNCEMENT BY PRESIDENT

The President announced that in the event the House of Representatives refuse to concur in Senate amendments to **C.S.H.B. 750**, the following Conferees, who will be officially appointed at a later date, are authorized to represent the Senate in Conference Committee negotiations: Senators Mauzy, Aikin, Brooks, Jones of Taylor and Sherman.

CONFERENCE COMMITTEE REPORT SENATE BILL 152

Senator Meier submitted the following Conference Committee Report:

Austin, Texas
May 20, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 152** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MEIER
ADAMS
MENGDEN
WILLIAMS
On the part of the Senate

NABERS
BROWN, JR.
CEVERHA
UHER
VON DOHLEN
On the part of the House

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for and conditions, revocations, and administration of probation, parole, mandatory supervision, work furloughs, conditional pardons, emergency reprieves or furloughs, and other types of prisoner supervision and release from incarceration; amending Article 42.12, Code of Criminal Procedure, 1965, as amended, by amending Sections 1, 2, 12, 13, Subsections (a), (c) and (i) of Section 14A, Sections 15, 20, 21, 22, 24, 26, 27, 28, 30 and 31, and by adding new Section 3e; adding Article 6181-1 to Title 108, Revised Civil Statutes of Texas, 1925; amending Section 28, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 6166z1, Vernon's Texas Civil Statutes); amending Sections 1 and 6, Chapter 493, Acts of the 61st Legislature, Regular Session, 1969 (Art. 6166x-3, Vernon's Texas Civil Statutes); and repealing Article 48.05, Code of Criminal Procedures, 1965, Section 23, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927 (Article 6166v, Vernon's Texas Civil Statutes), and Chapter 36, Acts of the 48th Legislature, Regular Session, 1943, as amended (Article 61841, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 42.12, Code of Criminal Procedure, 1965, as amended, is amended by amending Sections 1, 2, 12, 13, 15, 20, 21, 22, 24, 26, 27, 28, 30, and 31, and by adding Section 3e to read as follows:

"Section 1. It is the purpose of this Article to place wholly within the State courts of appropriate jurisdiction the responsibility for determining when the imposition of sentence in certain cases shall be suspended, the conditions of probation, and the supervision of probationers, in consonance with the powers assigned to the judicial branch of this government by the Constitution of Texas. It is also the intent of this Article to provide for the release of persons on parole and for the method thereof, to designate the Board of Pardons and Paroles as the responsible agency of State government to recommend determination of paroles and to further designate the Board of Pardons and Paroles as responsible for the investigation and supervision of persons released on parole. It is the intent of this Article to aid all prisoners to readjust to society upon completion of their period of incarceration by providing a program of mandatory supervision for those prisoners not released on parole or through executive clemency and to designate the Board of Pardons and Paroles as the agency of government responsible for the program. It is the final purpose of this Article to remove from existing statutes the limitations, other than questions of constitutionality, that have acted as barriers to effective systems of probations and paroles in the public interest.

"Section 2. This Article may be cited as the 'Adult Probation, ~~and~~ Parole, and Mandatory Supervision Law'.

"Unless the context otherwise requires, the following definitions shall apply to the specified words and phrases as used in this Article:

"a. 'Courts' shall mean the courts of record having original criminal jurisdiction;

"b. 'Probation' shall mean the release of a convicted defendant by a court under conditions imposed by the court for a specified period during which the imposition of sentence is suspended;

"c. 'Parole' shall mean the release of a prisoner from imprisonment but not from the legal custody of the State, for rehabilitation outside of prison walls under such conditions and provisions for disciplinary supervision as the Board of Pardons and Paroles may determine. Parole shall not be construed to mean a commutation of sentence or any other form of executive clemency;

"d. 'Mandatory supervision' shall mean the release of a prisoner from imprisonment but not on parole and not from the legal custody of the State, for rehabilitation outside of prison walls under such conditions and provisions for disciplinary supervision as the Board of Pardons and Paroles may determine. Mandatory supervision may not be construed as a commutation of sentence or any other form of executive clemency;

"e [d]. 'Probation officer' shall mean either a person duly appointed by one or more courts of record having original criminal jurisdiction, to supervise defendants placed on probation; or a person designated by such courts for such duties on a part-time basis;

"f [e]. 'Parole officer' shall mean a person duly appointed by the Director of the Division of Parole Supervision and assigned the duties of investigating and supervising paroled prisoners and prisoners released to mandatory supervision to see that the conditions of parole or mandatory supervision are complied with;

"(g) [f]. 'Board' shall mean the Board of Pardons and Paroles;

"h [g]. 'Division' shall mean the Division of Parole Supervision of the Board of Pardons and Paroles; and

"i [h]. 'Director' shall mean the Director of the Division of Parole Supervision."

"Section 3e. (a) The provisions of Sections 3 and 3c of this Article do not apply:

"(1) to a defendant adjudged guilty of an offense defined by the following sections of the Penal Code;

"(A) Section 19.03 (Capital murder);

"(B) Section 20.04 (Aggravated kidnapping);

"(C) Section 21.03 (Aggravated rape);

"(D) Section 21.05 (Aggravated sexual abuse);

"(E) Section 29.03 (Aggravated robbery); or

"(2) to a defendant when it is shown that the defendant used or exhibited a deadly weapon as defined in Section 1.07(a)(11), Penal Code, during the commission of a felony offense or during immediate flight therefrom. Upon affirmative finding that the defendant used or exhibited a deadly weapon during the commission of an offense or during immediate flight therefrom, the trial court shall enter the finding in the judgment of the court.

"(b) Notwithstanding the provisions of Subsection (a) of this section, when it is shown that the defendant used or exhibited a firearm during the commission of a felony offense of the second degree or higher or during immediate flight therefrom, the provisions of Section 3, 3a, 3c, and 3d of this Article do not apply. Upon an affirmative finding that the defendant used or exhibited a firearm during the commission of an offense or during immediate flight therefrom, the trial court shall enter the finding in the judgment of the court."

"(c) When it is shown that the defendant used or exhibited a firearm during the commission of a felony offense of the second degree or higher or during immediate flight therefrom and the defendant is the spouse of the victim or is related to the victim by the first degree by consanguinity or affinity at the time of the offense, then the provisions of Sections 3 and 3a of this Article do apply. Upon an

affirmative finding that the defendant used or exhibited a firearm during the commission of an offense or during immediate flight therefrom, the trial court shall enter the finding in the judgment of the court.

"Section 12. The Board of Pardons and Paroles created by Article 4, Section 11 of the Constitution of this State, shall administer the provisions of this Act respecting determinations of which prisoners shall be paroled from an institution operated by the Department of Corrections, the conditions of parole and mandatory supervision ~~[such paroles]~~, and may recommend the revocation of releases to mandatory supervision, paroles, and conditional pardons by the Governor. Keeping the goals of this Act in mind, the Board shall have the authority to determine the degree and intensity of supervision a prisoner released on parole or released to mandatory supervision should receive.

"Section 13. The members of the Board shall give full time to the duties of their office and shall be paid such salaries as the Legislature may determine in Appropriation Acts. The members of the Board shall elect one of their number as chairman, who shall serve for a period of two years and until his successor is elected and qualified.

"The Board shall meet at the call of the chairman and from time to time as may otherwise be determined by majority vote of the Board. A majority of the Board shall constitute a quorum for the transaction of all business.

"The Board shall adopt an official seal of which the courts shall take judicial notice. Decisions of the Board shall be by majority vote.

"The Board shall keep a record of its acts and shall notify each institution of its decision relating to the persons who are ~~[to have been] confined therein. At the close of each fiscal year the Board shall submit to the Governor and to the Legislature a report with statistical and other data of its work.~~

~~"All minutes of the Board and decisions relating to mandatory supervision, parole, pardon, and clemency shall be matters of public record and subject to public inspection at all reasonable times."~~

"Section 15. (a) The Board is ~~[hereby]~~ authorized to release on parole, with the approval of the Governor, any person confined in any penal or correctional institution of this State who is eligible for parole under Subsection (b) of this Section. The period of parole shall be equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served on the sentence ~~[except persons under sentence of death, who has served one third of the maximum sentence imposed, provided that in any case he may be paroled after serving 20 calendar years. Time served on the sentence imposed shall be the total calendar time served and all credits allowed under the laws governing the operation of the Department of Corrections, and executive clemency].~~ All paroles shall issue upon order of the Board, duly adopted and approved by the Governor.

"(b) A prisoner under sentence of death is not eligible for parole. If a prisoner is serving a sentence for the offenses listed in Section 3e(a)(1) of this Article or if the judgment contains an affirmative finding under Section 3e(a)(2) or 3e(b) of this Article, he is not eligible for release on parole until his actual calendar time served, without consideration of good conduct time, equals one-third of the maximum sentence or 20 calendar years, whichever is less, but in no event shall he be eligible for release on parole in less than two calendar years. All other prisoners shall be eligible for release on parole when their calendar time served plus good conduct time equals one-third of the maximum sentence imposed or 20 years, whichever is less.

"(c) A prisoner who is not on parole, except a person under sentence of death, shall be released to mandatory supervision by order of the Board when the calendar time he has served plus any accrued good conduct time equal the maximum term to which he was sentenced. A prisoner released to mandatory supervision shall, upon release, be deemed as if released on parole. To the extent practicable, arrangements

for the prisoner's proper employment, maintenance, and care shall be made prior to his release to mandatory supervision. The period of mandatory supervision shall be for a period equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served on the sentence. The time served on mandatory supervision is calculated as calendar time. Every prisoner while on mandatory supervision shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

"(d) A prisoner who has not been released to mandatory supervision and has 180 calendar days or less remaining on his sentence may be released by order of the Board to mandatory supervision.

"(e) [(b)] Within one year after a prisoner's admittance to the penal or correctional institution and at such intervals thereafter, as it may determine, the Board shall secure and consider all pertinent information regarding each prisoner, except any under sentence of death, including the circumstances of his offense, his previous social history and criminal record, his conduct, employment and attitude in prison, and his physical and mental health [the reports of such physical and mental examinations as have been made].

"(f) [(e)] Before ordering the parole of any prisoner, the Board may have the prisoner appear before it and interview him. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered to be a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and, as may be, in part, evidenced by the prisoner's having made, in whole or in part, restitution or reparation to the victim of his crime, the total amount of such restitution or reparation as may be established by the court and entered in the judgment of the court which sentenced the prisoner to his term of imprisonment, and when the Board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Every prisoner while on parole shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

"(g) [(d)] The Board may adopt such other reasonable rules not inconsistent with law as it may deem proper or necessary with respect to the eligibility of prisoners for parole and mandatory supervision, the conduct of parole and mandatory supervision hearings, or conditions to be imposed upon parolees and persons released to mandatory supervision. Each person to be released on parole shall be furnished a written statement and contract setting forth in clear and intelligible language the conditions and rules of parole. The conditions may include the making of restitution or reparation to the victim of the prisoner's crime, the total amount of such restitution or reparation as may be established by the court and entered in the judgment of the court which sentenced the prisoner to his term of imprisonment. Acceptance, signing, and execution of the contract by the inmate to be paroled shall be a precondition to release on parole. Persons released on mandatory supervision shall be furnished a written statement setting forth in clear and intelligible language the conditions and rules of mandatory supervision [Whenever an order for parole is issued it shall recite the conditions thereof in clear and intelligible language].

"(h) [(e)] It shall be the duty of the Board at least ten days before ordering the parole of any prisoner or upon the granting of executive clemency by the Governor to notify the sheriff, the district attorney and the district judge in the county where such person was convicted that such parole or clemency is being considered by the Board or by the Governor.

"(i) [(f)] If no parole officer has been assigned to the locality where a person is to be released on parole, mandatory supervision, or executive clemency the Board shall notify the chairman of the Voluntary Parole Board of such county prior to the

release of such person. The Board shall request such Voluntary Parole Board, in the absence of a parole officer ~~[office]~~, for information which would herein be required of such duly appointed parole officer. This shall not, however, preclude the Board from requesting information from any public agency in such locality."

"Section 20. The Board shall have the power and duty to make rules for the conduct of persons placed on parole and of persons released to mandatory supervision ~~[by the Board]~~.

"Section 21. (a) A warrant for the return of a paroled prisoner, a prisoner released to mandatory supervision, a prisoner released on emergency reprieve or on furlough, or a person released on a conditional pardon to the institution from which he was paroled, released, or pardoned may be issued by the Board on order by the Governor when there is reason to believe that he has committed an offense against the laws of this State or of the United States, violated a condition of his parole, mandatory supervision, or conditional pardon, or when the circumstances indicate that he poses a danger to society that warrants his immediate return to incarceration. ~~[Upon order by the Governor, the Board is authorized to issue a warrant for the return of any paroled prisoner to the institution from which he was paroled.]~~ Such warrant shall authorize all officers named therein to take actual custody of the ~~[return such paroled]~~ prisoner and return him to the institution from which he was released ~~[to actual custody in the penal institution from which he was paroled]~~. Pending hearing, as hereinafter provided, upon any charge of parole violation or violation of the conditions of mandatory supervision, the prisoner shall remain incarcerated ~~[in such institution]~~.

"(b) A prisoner ~~[parolee]~~ for whose return a warrant has been issued by the Board shall, after the issuance of such warrant, be deemed a fugitive from justice and if it shall appear that he has violated the conditions or provisions of his mandatory supervision or parole, then the time from the issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence. The law now in effect concerning the right of the State of Texas to extradite persons and return fugitives from justice, and Article 42.11 of this Code concerning the waiver of all legal requirements to obtain extradition of fugitives from justice, from other states to this State, shall not be impaired by this Act and shall remain in full force and effect.

"Section 22. Whenever a ~~[paroled]~~ prisoner or a person granted a conditional pardon is accused of a violation of his parole, mandatory supervision, or conditional pardon on information and complaint by a law enforcement officer or parole officer, he shall be entitled to be heard on such charges before the Board or its designee under such rules and regulations as the Board may adopt; providing, however, said hearing shall be a public hearing and shall be held within ninety ~~[sixty]~~ days of the date of arrest under a warrant issued by the Board of Pardons and Paroles or the Governor and at a time and place set by the Board. When the Board has heard the facts, it may recommend to the Governor that the parole, mandatory supervision, or conditional pardon be continued, or revoked, or modified in any manner the evidence may warrant. When the Governor revokes a person's ~~[prisoner's]~~ parole, mandatory supervision, or conditional pardon, that person ~~[he]~~ may be required to serve the portion remaining of the sentence on which he was released ~~[on parole]~~, such portion remaining to be calculated without credit for the time from the date of his release ~~[on parole]~~ to the date of ~~[his]~~ revocation ~~[of parole by the Governor on the charge of parole violation]~~. When a warrant is issued by the Board of Pardons and Paroles or the Governor charging a ~~[parole]~~ violation of release conditions, the sentence time credit shall be suspended until a determination is made by the Board of Pardons and Paroles or the Governor in such case and such suspended time credit may be re-instated by the Board of Pardons and Paroles should such parole, mandatory supervision, or conditional pardon be continued."

~~"Section 24. [Whenever any prisoner serving an indeterminate sentence, as provided by law, shall have served for twelve months on parole in a manner acceptable to the Board, it shall review the prisoner's record and make a determination whether to recommend to the Governor that the prisoner be pardoned and finally discharged from the sentence under which he is serving.]~~

~~"When any prisoner who has been paroled or released to mandatory supervision has complied with the rules and conditions governing his release [parole] until the end of the term to which he was sentenced, and without a revocation of his parole or mandatory supervision, the Board shall make a final order of discharge and issue the prisoner a certificate of discharge [report such fact to the Governor prior to the issuance of the final order of discharge, together with its recommendation as to whether the prisoner should be restored to citizenship]."~~

"Section 26. The Board of Pardons and Paroles shall have general responsibility for the investigation and supervision of all prisoners released on parole and to mandatory supervision. For the discharge of this responsibility, there is hereby created with the Board of Pardons and Paroles, a Division of Parole Supervision. Subject to the general direction of the Board of Pardons and Paroles, the Division of Parole Supervision, including its field staff shall be responsible for obtaining and assembling any facts the Board of Pardons and Paroles may desire in considering parole eligibility, in establishing a mandatory supervision plan, and for investigating and supervising paroled prisoners and prisoners released to mandatory supervision to see that the conditions of parole and mandatory supervision are complied with, and for making such periodic reports on the progress of parolees and prisoners released to mandatory supervision as the Board may desire.

"Section 27. All information obtained in connection with inmates of the Texas Department of Corrections subject to parole, release to mandatory supervision, or executive clemency or individuals who may be on mandatory supervision or parole and under the supervision of the division, or persons directly identified in any proposed plan of release for a prisoner [parolee], shall be confidential and privileged information and shall not be subject to public inspection; provided, however, that all such information shall be available to the Governor and the Board of Pardons and Paroles upon request. It is further provided, that statistical and general information respecting the parole and mandatory supervision program and system, including the names of paroled prisoners, prisoners released to mandatory supervision, and data recorded in connection with parole and mandatory supervision services, shall be subject to public inspection at any reasonable time.

"Section 28. Salaries of all employees of the Division of Parole Supervision shall be governed by Appropriation Acts of the Legislature. The Board of Pardons and Paroles shall appoint a Director of the Division, and all other employees shall be selected by the Director, subject to such general policies and regulations as the Board may approve.

"It is expressly provided, however, that no person may be employed as a parole officer or supervisor, or be responsible for the investigations [~~surveillance,~~] or supervision of persons on parole or mandatory supervision, unless he meets the following qualifications together with any other qualifications that may be specified by the Director of the Division, with the approval of the Board of Pardons and Paroles: ~~[24 to 55 years of age, with]~~ four years of successfully completed education in an accredited college or university, and two years of full time paid employment in responsible correctional work with adults or juveniles, social welfare work, teaching, or personnel work. Additional experience in the above categories may be substituted year for year for the required college education, with a maximum substitution for two years."

"Section 30. In order to provide supervision of parolees, persons released to mandatory supervision, and [or of] persons granted executive clemency who reside in

sparsely settled areas of the State and in localities not served by regularly employed parole officers, the Governor of this State is authorized to appoint chairmen of Voluntary Parole Boards for such areas or localities. The appointed chairman may, with the advice and approval of the Director of the Division of Parole Supervision, appoint additional members of such Voluntary Parole Boards. The term of service by such appointed chairmen of Voluntary Parole Boards shall not exceed the term of office of the appointing Governor; and the terms of service of locally appointed additional members of such Voluntary Parole Boards shall not exceed the terms of office of the director. However, it is expressly provided that the terms of service by such chairmen and additional members of Voluntary Parole Boards may be continued by appropriate reappointments. The chairman of the Voluntary Parole Board shall be responsible for assigning supervision of parolees and of persons released to mandatory supervision to the members of such board.

"Section 31. No person who is serving as a sheriff, deputy sheriff, constable, deputy constable, city policeman, Texas Ranger, state highway patrolman, or similar law enforcement officer, or as a prosecuting attorney, shall act as a parole officer or be responsible for the supervision of persons on parole or released to mandatory supervision."

Sec. 2. Subsections (a), (c), and (i) of Section 14A, Article 42.12, Code of Criminal Procedure, 1965, are amended to read as follows:

"(a) To aid and assist the Board of Pardons and Paroles in parole and mandatory supervision decisions [~~matters~~], provision is hereby made for the appointment of parole commissioners."

"(c) In matters of parole decisions and mandatory supervision revocation decisions, the commissioners shall have the same duties and authority as the board members. A parole panel, as hereinafter provided, may recommend the granting, denying, or revocation of parole, the revocation of mandatory supervision status, and may conduct parole revocation hearings and mandatory supervision revocation hearings. The commissioners may interview inmates for parole consideration, and they shall perform their duties as directed by the board in its rules and regulations affecting these commissioners."

"(i) In matters of parole and release to mandatory supervision [~~decisions~~], the board members and commissioners may act in panels comprised of three persons in each panel. The composition of the respective panels shall be designated by the board. A majority of each panel shall constitute a quorum for the transaction of its business, and its decisions shall be by a majority vote. The [~~In parole matters, those~~] functions given to the board throughout Article 42.12, Code of Criminal Procedure, 1965, as amended may be enlarged and extend to the parole panels, as provided by board rules. The powers of the board and the board members can be delegated by the board to the parole panels and to the commissioners as needed for the convenience of and assistance to the board."

Sec. 3. Title 108, Revised Civil Statutes of Texas, 1925, is amended by adding Article 6181-1 to read as follows:

"Article 6181-1. INMATE CLASSIFICATION AND GOOD CONDUCT TIME

"Section 1. For the purpose of this Article:

"(1) 'Department' means the Texas Department of Corrections.

"(2) 'Director' means the Director of the Texas Department of Corrections.

"(3) 'Inmate' means a person confined by order of a court in the Texas Department of Corrections, whether he is actually confined in the institution or is under the supervision or custody of the Board of Pardons and Paroles.

"(4) 'Term' means the maximum term of confinement in the Texas Department of Corrections stated in the sentence of the convicting court. When two or more sentences are to be served consecutively and not concurrently, the aggregate

of the several terms shall be considered the term for purposes of this Article. When two or more sentences are to run concurrently, the term with the longest maximum confinement will be considered the term for the purposes of this Article.

Section 2. The department shall classify all inmates as soon as practicable upon their arrival at the department and shall reclassify inmates as circumstances may warrant. All inmates shall be classified according to their conduct, obedience, industry, and prior criminal history. The director shall maintain a record on each inmate showing all classifications and reclassifications with dates and reasons therefor.

classification as follows:

"(1) 20 days for each 30 days actually served while the inmate is classified as Class I inmate;

"(2) 10 days for each 30 days actually served while the inmate is classified as a Class II inmate;

"(3) 10 additional days for each 30 days actually served if the inmate is a trusty.

"(b) No good conduct time shall accrue during any period the inmate is classified as a Class III inmate or is on parole or under mandatory supervision.

"Section 4. Good conduct time applies only to eligibility for parole or mandatory supervision as provided in Section 15, Article 42.12, Code of Criminal Procedure, 1965, as amended, and shall not otherwise affect the inmate's term. Good conduct time is a privilege and not a right. Consequently, if during the actual term of imprisonment in the department, an inmate commits an offense or violates a rule of the department, all or any part of his accrued good conduct time may be forfeited by the director. The director may, however, in his discretion, restore good conduct time forfeited under such circumstances subject to rules and policies to be promulgated by the department. Upon revocation of parole or mandatory supervision, the inmate loses all good conduct time previously accrued, but upon return to the department may accrue new good conduct time for subsequent time served in the department.

"Section 5. If the release of an inmate falls upon a Saturday, Sunday, or legal holiday, the inmate may, at the discretion of the director, be released on the preceding workday."

Sec. 4. Section 28, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 6166z1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 28. When a convict is entitled to a discharge from the State penitentiary, or is released therefrom on parole, mandatory supervision, or conditional pardon, the Director of the Department of Corrections or his Executive Assistant shall prepare and deliver to him a written discharge or release, as the case may be, dated and signed by him with seal annexed, giving convict's name, the name of the offense or offenses for which he was convicted, the term of sentence imposed and the date thereof, the county in which he was sentenced, the amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such description of the convict as may be practicable. He shall be furnished, if needed, suitable civilian clothes, and all money held to his credit by any official of the Texas Department of Corrections shall be delivered to him.

"The amount of money which a convict is entitled to receive from the State of Texas when he is discharged from the State penitentiary or released from the State penitentiary on parole, mandatory supervision, or conditional pardon shall be \$200."

Sec. 5. Sections 1 and 6, Chapter 493, Acts of the 61st Legislature, Regular Session, 1969 (Article 6166x-3, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. The Texas Department of Corrections is hereby authorized to grant work furlough privileges under the 'Work Furlough Plan,' as hereinafter provided, which may include programs and procedures for inmates to contribute restitution or reparation to victims of the prisoner's crime, as established by the judgment of the court that sentenced the prisoner to his term of imprisonment, to any inmate of the state prison system serving a term of imprisonment, under such rules, regulations, and conditions as the department of corrections may prescribe."

"Section 6. Every prisoner gainfully employed under work furlough privileges is liable for the cost of his keep in the prison or quarters as may be fixed by the department of corrections. Such payments shall be deposited periodically, but at least annually, in the general revenue fund of the state. After deduction of such amounts the director of the department of corrections shall disburse the wages or salaries of employed prisoners for the following purposes and in the order stated:

"(1) necessary travel expense to and from work and other incidental expenses of the prisoner;

"(2) support of the prisoner's dependents, if any;

"restitution or reparation to the victim of the prisoner's crime for which he is serving a term of imprisonment, the total amount of such restitution or reparation as may be established by the court and entered in the judgment of the court that sentenced the prisoner to his term of imprisonment;

"(4) ~~(3)~~ the balance, if any, to the prisoner upon his discharge."

Sec. 6. Article 48.05, Code of Criminal Procedure, 1965, Section 23, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927 (Article 6166v, Vernon's Texas Civil Statutes), and Chapter 361, Acts of the 48th Legislature, Regular Session, 1943, as amended (Article 61841, Vernon's Texas Civil Statutes), are repealed.

Sec. 7. This Act applies only to inmates sentenced to the Texas Department of Corrections for an offense committed on or after the effective date of this Act. Inmates sentenced for an offense committed prior to the effective date of this Act are governed by the law existing before the effective date, which is continued in effect for this purpose. For the purpose of this Act, an offense is committed on or after the effective date if any element of the offense occurs on or after the effective date.

Sec. 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

MESSAGE FROM THE HOUSE

House Chamber
May 20, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 1271, Relating to the administration, operation, management, and financing of the Walker County Hospital District; amending Sections 4(b), 4(c), 4(d), 6, and 11, Chapter 848, Acts of the 62nd Legislature, Regular Session, 1971.

S.B. 1199, Relating to the terms of the Board of Directors of the Wilbarger County Hospital District; amending Section 3 of Chapter 6, Acts of the 59th Legislature, Regular Session, 1965, as amended.

S.B. 1067, Amending Title 2, Chapter 13, and Title 5 of the Parks and Wildlife Code to allow compliance with the Fishery Conservation and Management Act (PL 94-265); providing for suspension of conflicting provisions, and declaring an emergency.

S.B. 934, Relating to removal of unauthorized motor vehicles parked in fire lanes.

S.B. 1214, Creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Fort Bend County, Texas, to be known as Fort Bend County Municipal Utility District No 13 of Fort Bend County, Texas; defining its boundaries and finding their closure; finding benefits to the land and other property in the district; conferring on the district the rights, powers, privileges, authority and functions of the general laws applicable to municipal utility districts created under Chapter 54, Title 4, Water Code where not in conflict with this Act; providing for the selection, qualification and term of its governing body; containing other provisions relating to the subject; providing a severability clause; finding and declaring compliance with the Constitution, laws, rules and procedures relative to consent to, notice, introduction, and passage of this Act; and declaring an emergency. (With amendment)

S.B. 249, A bill to be entitled An Act relating to the designation of an alternate juvenile court and providing for its jurisdiction in certain cases in which the judge of the juvenile court is not an attorney licensed in this state; amending Subsection (d), Section 51.04, Family Code, as amended; adding Section 51.18 to Chapter 51, Family Code, as amended. (With amendment)

S.B. 334, Amending Article 44.02, Code of Criminal Procedure, 1965; providing for rights of appeal in criminal actions, and declaring an emergency. (With amendment)

S.B. 865, Relating to the appointment and use of a master in each court of domestic relations in Harris County, making other provisions relative to the master and the findings and recommendations of the master; and declaring an emergency. (As substituted)

S.B. 970, Amending the Parks and Wildlife Code to conform it to certain legislation enacted by the 64th Legislature; repealing Subdivisions (3), (9), (14), (15), and (16) of Section 2a and Section 5, Texas Water Safety Act, as amended (formerly Article 9206, Vernon's Texas Civil Statutes); Section 2A, Chapter 189, Acts of the 56th Legislature, Regular Session, 1959, as amended; Subsections b and n of Section 13, Uniform Wildlife Regulatory Act, as amended (formerly Article 978j-1, Vernon's Penal Auxiliary Laws); Section 1, Chapter 428, Acts of the 59th Legislature, Regular Session, 1965, as amended; and Chapter 479, Acts of the 64th Legislature, 1975. (With amendment)

S.B. 1043, Relating to a speedy trial of criminal cases; amending the Code of Criminal Procedure, 1965, by adding Chapter 32A, by adding Articles 17.151 and 28.061, and by amending Articles 29.02 and 29.03. (With amendment)

S.B. 918, Relating to education for mentally retarded persons under the care and control of the Texas Department of Mental Health and Mental Retardation; amending Sec. 1.04, and Chapter 30, Texas Education Code; and declaring an emergency. (With amendment)

H.B. 997, A bill to be entitled An Act relating to the penalty for criminal nonsupport of children; amending Subsections (a) and (i), Section 25.05, Penal Code.

H.B. 1631, A bill to be entitled An Act relating to the providing of water quality enhancement funds to designated regional entities for construction of regional waste treatment systems; amending Section 21.706, Texas Water Code; and declaring an emergency.

H.B. 1969, A bill to be entitled An Act relating to the establishment of a Texas Administrative Code and the contents thereof; and declaring an emergency.

H.B. 1218, A bill to be entitled An Act relating to promotional examinations for firemen and policemen; amending Subsection A, Section 14, Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes).

H.B. 620, A bill to be entitled An Act relating to designation of January 6th as "Sam Rayburn Day."

H.B. 930, A bill to be entitled An Act relating to release of a juror; amending Article 2120, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H.B. 2061, A bill to be entitled An Act relating to persons exempted from licensing as life insurance counselors; amending Section 3, Chapter 29, Acts of the 54th Legislature, 1955 (Article 21.07-2, Vernon's Texas Insurance Code).

H.B. 972, A bill to be entitled An Act relating to assessment of property taxes on certain property in a planned unit development.

H.B. 1616, A bill to be entitled An Act relating to certain requirements for licensing as an operator in cosmetology; relating to certain requirements for licensing as an instructor; amending subsection (a) Section 15, and subsection (b) Section 16, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended, (Article 8451a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.J.R. 48, Proposing a constitutional amendment repealing Article III, Section 51-b, of the Texas Constitution, relating to the State Building Commission and the State Building Fund. (With amendments)

S.J.R. 44, Proposing a constitutional amendment to grant the legislature the power to authorize cities and towns to issue bonds to finance the redevelopment of certain blighted downtown areas. (With amendments)

S.B. 1201, Authorizing Midwestern State University to exchange certain state-owned land for certain land owned by the Midwestern Venture, Ltd., Wichita Falls, Wichita County, Texas; and declaring an emergency.

S.B. 900, Relating to cooperative associations; making certain non-exempt cooperatives eligible for membership in and service by a hospital cooperative association; clarifying the eligibility of cooperative associations; permitting operation of a system for the benefit of non-member eligible institutions; permitting distribution of surplus revenue among non-member patrons; amending Subsection (1) of Section 2, Subsection (1) of Section 3, and Section 6, Chapter 195, Acts of the 64th Legislature, Regular Session, 1974 (Article 4447r, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 888, Relating to the labeling requirements of distributors for prescription drugs; amending Chapter 517, Acts of the 64th Legislature, Regular Session, 1975, (codified as Article 4542c, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 877, Amending Article 21.28-C, Texas Insurance Code, the Texas Property and Casualty Insurance Guaranty Act, as amended, to add a provision concerning advertisement by insurers that their policies are protected under the Act; and declaring an emergency.

S.B. 793, Amending Chapter 127, Acts of the Regular Session of the 60th Legislature, as amended (Article 6228g, Vernon's Tex. Civil Stats., establishing and governing the Texas County and District Retirement System) as follows: amending subsections 27 and 28 of Section II of said Act; amending subsections 2(c) and 2(d) of Section III of said Act; amending Section VII of said Act by adding thereto new subsections 9 and 10 to authorize the Board of Trustees of the System to make valuation increases in future payments of certain current service annuities and prior service annuities; amending subsection 2(i) of Section VIII of said Act; amending subsection 2 of Section IIA of said Act; amending subsection 3 of Section XII of said Act; declaring the Act to be severable; and declaring an emergency.

S.B. 713, Relating to the election of the directors of Sabine County Hospital District; amending Subsection (f), Section 5, Chapter 565, Acts of the 64th Legislature, Regular Session, 1975.

S.B. 643, Revising the Texas Boxing and Wrestling Laws, Chapter 241, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 8501-1 et seq. V.T.C.S.); and declaring an emergency.

S.B. 476, Relating to the validation of actions of city governments within counties of 1,000,000 persons or more with respect to the boundaries of those cities; and declaring an emergency.

S.B. 69, A bill to be entitled An Act relating to the establishment of a procedure for resolving differences between agencies on matters relating to the equitable mitigation of adverse impacts on fish and wildlife resources of various construction practices, to expedite decision necessary for federal coordination; directing that a study be made of the subject of mitigation; providing for an expiration date and severability, and declaring an emergency.

S.B. 1291, Relating to buck deer in Brooks County; amending Chapter 124, Parks and Wildlife Code, by adding Section 124.012.

S.B. 450, An Act relating to the approval by the Coordinating Board, Texas College and University System, of new construction and repair and rehabilitation of facilities at institutions of higher education; amending Section 61.058, Texas Education Code, as amended. (With amendment)

H.J.R. 42, A Joint Resolution proposing amendments to the Texas Constitution authorizing certain districts to engage in fire-fighting activities and to issue bonds or other indebtedness or to issue bonds or otherwise lend their credit for fire-fighting purposes.

S.B. 595, An Act relating to tax exemptions for certain historic sites; amending Title 122, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 7150i; providing contingent effective date and declaring an emergency.

S.B. 699, An Act relating to a limited guardianship for a mentally retarded person without a finding of incompetency; prescribing procedures, venue, and the powers and duties of the court, the limited guardian, and the Department of Mental Health and Mental Retardation; amending Chapter V, Texas Probate Code by adding Part 5 and Sections 130A through 130P. (With amendment)

S.B. 867, An Act relating to amendment of Chapter 3 of the Insurance Code of Texas as amended, providing for a new Article 3.51-7, providing for continuation of group life and group accident and health insurance during labor disputes, providing for individual contributions, providing for an effective date and declaring an emergency. (With amendments)

S.B. 1148, An Act relating to the payment of travel expenses for prospective state employees; amending Section 2, Travel Regulations Act of 1959, as amended (Article 6823a, Vernon's Texas Civil Statutes. (With amendment)

S.B. 586, An Act creating a Court Reporters Commission, providing for membership, terms of office, employees, powers and duties; relating to the eligibility, examination and certification of shorthand court reporters; and declaring an emergency. (With amendments)

S.B. 1292, Relating to the validation of county time warrants.

S.B. 1152, An Act relating to a presumption that a victim of criminal homicide or an assault who used a deadly weapon intended to cause death or serious bodily injury in certain circumstances; amending Subchapter C, Chapter 9, Penal Code, by adding Section 9.35. (With amendment)

S.B. 762, An Act relating to the protection of drinking water supplies; providing penalties; and declaring an emergency.

S.B. 397, Relating to the authority of a Juvenile Court to commit children in need of supervision to the Texas Youth Council amending Vernon's Annotated Civil Statutes, Article 5143d by repealing Section 12(b) and (c) and amending the T.C.A., Family Code Sections 51.03 and 54.04; and declaring an emergency.

S.B. 759, An Act relating to abolishing the State Building Commission; transferring the powers and duties of the State Building Commission to the State Board of Control; abolishing the State Building Fund and transferring the State Building Fund to the general revenue fund. (With amendment)

H.B. 1187, Relating to the determination of heirship of a ward who dies intestate and the sale of property of the ward under certain circumstances.

H.B. 321, Relating to the regulation of health care facilities that treat alcoholics.

H.B. 1811, Relating to the assessment and collection of ad valorem taxes on property not validly assessed; amending Article 1047 of the Revised Civil Statutes of the State of Texas, 1925, as amended; and declaring an emergency.

H.B. 318, Relating to recovery of attorney's fees in suits based on breach of a restrictive covenant pertaining to real property.

H.B. 392, Relating to the authorization for students and faculty members to serve as nonvoting members of the governing board of each state-supported senior college or university; amending Chapter 51, Texas Education Code, by adding Section 51.907.

S.J.R. 5, A joint resolution proposing an amendment to Article VIII of the Texas Constitution relating to tax relief to preserve certain historical resources. (With amendment)

S.B. 859, An Act relating to the Employees Retirement System of Texas, providing death benefit annuities for certain survivors of deceased members eligible for retirement, etc. amending Chapter 352, Acts of the 50th Legislature, 1947.

S.B. 157, An Act relating to the admission in evidence of statements of an accused in a criminal proceeding; amending Articles 38.21 and 38.22, Code of Criminal Procedure, 1965, as amended. (With amendments)

S.B. 83, An Act relating to classes of persons not qualified to vote; amending Article 5.01, Texas Election Code, Vernon's Texas Civil Statutes.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

MEMORIAL RESOLUTIONS

S.R. 716 - by Aikin: Memorial resolution for Dr. Nym L. Barker.

S.R. 717 - by Moore: Memorial resolution for Dr. Howard Owen Smith.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 714 - by Doggett: Extending welcome to Reverend Jack Heacock.

S.R. 715 - by Adams: Extending congratulations to Robert Herman Hancock.

S.R. 719 - by Snelson: Extending congratulations to Major E. K. Browning.

ADJOURNMENT

On motion of Senator Aikin the Senate at 7:19 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, May 23, 1977.

APPENDIX

Sent to Governor

(May 20, 1977)

S.B.	34	S.B.	635
S.B.	120	S.B.	821
S.B.	135	S.B.	872
S.B.	353	S.B.	896
S.B.	373	S.B.	998
S.B.	475	S.B.	1189
S.B.	501	S.B.	1225
S.B.	535		

Sent to Comptroller

(May 20, 1977)

S.B. 744
S.B. 1253

SEVENTY-THIRD DAY

(Monday, May 23, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

Father William H. Donahue, St. Mary's Cathedral, Austin, Texas, offered the invocation as follows:

God, our Father, at the beginning of another legislative day, we take this moment to turn our thoughts to You, and to recall Your presence among us, and Your concern for us and for all our people.